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PUBLIC LAW 104–106—FEB. 10, 1996

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# NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1996

# Public Law 104–106
104th Congress

## An Act

Feb. 10, 1996
[S. 1124]

To authorize appropriations for fiscal year 1996 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, to reform acquisition laws and information technology management of the Federal Government, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

National Defense Authorization Act for Fiscal Year 1996.

### SECTION 1. SHORT TITLE.

This Act may be cited as the "National Defense Authorization Act for Fiscal Year 1996".

### SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into five divisions as follows:

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

(3) Division C—Department of Energy National Security Authorizations and Other Authorizations.

(4) Division D—Federal Acquisition Reform.

(5) Division E—Information Technology Management Reform.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

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Sec. 2. Organization of Act into divisions; table of contents.
Sec. 3. Congressional defense committees defined.
Sec. 4. Extension of time for submission of reports.

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### SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES DEFINED.

For purposes of this Act, the term “congressional defense committees” means—

(1) the Committee on Armed Services and the Committee on Appropriations of the Senate; and

(2) the Committee on National Security and the Committee on Appropriations of the House of Representatives.

### SEC. 4. EXTENSION OF TIME FOR SUBMISSION OF REPORTS.

In the case of any provision of this Act, or any amendment made by a provision of this Act, requiring the submission of a report to Congress (or any committee of Congress), that report shall be submitted not later than the later of—

(1) the date established for submittal of the report in such provision or amendment; or

(2) the date that is 45 days after the date of the enactment of this Act.

# DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

# TITLE I—PROCUREMENT

## Subtitle A—Authorization of Appropriations

### SEC. 101. ARMY.

Funds are hereby authorized to be appropriated for fiscal year 1996 for procurement for the Army as follows:

(1) For aircraft, $1,558,805,000.

(2) For missiles, $865,555,000.

(3) For weapons and tracked combat vehicles, $1,652,745,000.

(4) For ammunition, $1,093,991,000.

(5) For other procurement, $2,763,443,000.

### SEC. 102. NAVY AND MARINE CORPS.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 1996 for procurement for the Navy as follows:

(1) For aircraft, $4,572,394,000.

(2) For weapons, including missiles and torpedoes, $1,659,827,000.

(3) For shipbuilding and conversion, $6,643,958,000.

(4) For other procurement, $2,414,771,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 1996 for procurement for the Marine Corps in the amount of $458,947,000.

(c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for procurement of ammunition for the Navy and the Marine Corps in the amount of $430,053,000.

### SEC. 103. AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal year 1996 for procurement for the Air Force as follows:

(1) For aircraft, $7,349,783,000.
(2) For missiles, $2,938,883,000.
(3) For ammunition, $343,848,000.
(4) For other procurement, $6,268,430,000.

### SEC. 104. DEFENSE-WIDE ACTIVITIES.

Funds are hereby authorized to be appropriated for fiscal year 1996 for Defense-wide procurement in the amount of $2,124,379,000.

### SEC. 105. RESERVE COMPONENTS.

Funds are hereby authorized to be appropriated for fiscal year 1996 for procurement of aircraft, vehicles, communications equipment, and other equipment for the reserve components of the Armed Forces as follows:

(1) For the Army National Guard, $160,000,000.
(2) For the Air National Guard, $255,000,000.
(3) For the Army Reserve, $85,700,000.
(4) For the Naval Reserve, $67,000,000.
(5) For the Air Force Reserve, $135,600,000.
(6) For the Marine Corps Reserve, $73,700,000.

### SEC. 106. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for fiscal year 1996 for procurement for the Inspector General of the Department of Defense in the amount of $1,000,000.

### SEC. 107. CHEMICAL DEMILITARIZATION PROGRAM.

There is hereby authorized to be appropriated for fiscal year 1996 the amount of $672,250,000 for—

(1) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and

(2) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

### SEC. 108. DEFENSE HEALTH PROGRAMS.

Funds are hereby authorized to be appropriated for fiscal year 1996 for the Department of Defense for procurement for carrying out health care programs, projects, and activities of the Department of Defense in the total amount of $288,033,000.

## Subtitle B—Army Programs

### SEC. 111. PROCUREMENT OF OH–58D ARMED KIOWA WARRIOR HELICOPTERS.

The prohibition in section 133(a)(2) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1383) does not apply to the obligation of funds in amounts not to exceed $140,000,000 for the procurement of not more than 20 OH–58D Armed Kiowa Warrior aircraft from funds appropriated for fiscal year 1996 pursuant to section 101.

### SEC. 112. REPEAL OF REQUIREMENTS FOR ARMORED VEHICLE UPGRADES.

Subsection (j) of section 21 of the Arms Export Control Act (22 U.S.C. 2761) is repealed.

### SEC. 113. MULTIYEAR PROCUREMENT OF HELICOPTERS.

The Secretary of the Army may, in accordance with section 2306b of title 10, United States Code, enter into multiyear procurement contracts for procurement of the following:

(1) AH–64D Longbow Apache attack helicopters.

(2) UH–60 Black Hawk utility helicopters.

### SEC. 114. REPORT ON AH–64D ENGINE UPGRADES.

No later than February 1, 1996, the Secretary of the Army shall submit to Congress a report on plans to procure T700–701C engine upgrade kits for Army AH–64D helicopters. The report shall include—

(1) a plan to provide for the upgrade of all Army AH–64D helicopters with T700–701C engine kits commencing in fiscal year 1996; and

(2) a detailed timeline and statement of funding requirements for the engine upgrade program described in paragraph (1).

### SEC. 115. REQUIREMENT FOR USE OF PREVIOUSLY AUTHORIZED MULTIYEAR PROCUREMENT AUTHORITY FOR ARMY SMALL ARMS PROCUREMENT.

(a) REQUIREMENT.—The Secretary of the Army (subject to the provision of authority in an appropriations Act) shall enter into a multiyear procurement contract during fiscal year 1997 in accordance with section 115(b)(2) of the National Defense Authorization for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2681).

(b) TECHNICAL AMENDMENT.—Section 115(b)(1) of the National Defense Authorization for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2681) is amended by striking out “2306(h)” and inserting in lieu thereof “2306b”.

## Subtitle C—Navy Programs

### SEC. 131. NUCLEAR ATTACK SUBMARINES.

(a) AMOUNTS AUTHORIZED.—(1) Of the amount authorized by section 102 to be appropriated for Shipbuilding and Conversion, Navy, for fiscal year 1996—

(A) $700,000,000 is available for construction of the third vessel (designated SSN–23) in the Seawolf attack submarine class, which shall be the final vessel in that class; and

(B) $804,498,000 is available for long-lead and advance construction and procurement of components for construction of the fiscal year 1998 and fiscal year 1999 submarines (previously designated by the Navy as the New Attack Submarine), of which—

(i) $704,498,000 shall be available for long-lead and advance construction and procurement for the fiscal year 1998 submarine, which shall be built by Electric Boat Division; and

(ii) $100,000,000 shall be available for long-lead and advance construction and procurement for the fiscal year 1999 submarine, which shall be built by Newport News Shipbuilding.

(2) Of the amount authorized by section 201(2), $10,000,000 shall be available only for participation of Newport News Shipbuilding in the design of the submarine previously designated by the Navy as the New Attack Submarine.

(b) COMPETITION, REPORT, AND BUDGET REVISION LIMITATIONS.—(1) Of the amounts specified in subsection (a)(1), not more than $200,000,000 may be obligated or expended until the Secretary of the Navy certifies in writing to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives that procurement of nuclear attack submarines to be constructed beginning—

(A) after fiscal year 1999, or

(B) if four submarines are procured as provided for in the plan described in subsection (c), after fiscal year 2001,

will be under one or more contracts that are entered into after competition between potential competitors (as defined in subsection (k)) in which the Secretary solicits competitive proposals and awards the contract or contracts on the basis of price.

(2) Of the amounts specified in subsection (a)(1), not more than $1,000,000,000 may be obligated or expended until the Secretary of Defense, not later than March 15, 1996, accomplishes each of the following:

(A) Submits to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives in accordance with subsection (c) the plan required by that subsection for a program to produce a more capable, less expensive nuclear attack submarine than the submarine design previously designated by the Navy as the New Attack Submarine.

(B) Notwithstanding any other provision of law, or the funding level in the President's budget for each year after fiscal year 1996, the Under Secretary of Defense (Comptroller) shall incorporate the costs of the plan required by subsection (c) in the Future Years Defense Program (FYDP) even if the total cost of that Program exceeds the President's budget.

(C) Directs that the Under Secretary of Defense for Acquisition and Technology conduct oversight over the development and improvement of the nuclear attack submarine program of the Navy. Officials of the Department of the Navy exercising management oversight of the program shall report to the Under

Secretary of Defense for Acquisition and Technology with respect to that program.

(c) PLAN FOR FISCAL YEAR 1998, 1999, 2000, AND 2001 SUBMARINES.—(1) The Secretary of Defense shall, not later than March 15, 1996, develop (and submit to the committees specified in subsection (b)(2)(A)) a detailed plan for development of a program that will lead to production of a more capable, less expensive submarine than the submarine previously designated as the New Attack Submarine.

(2) As part of such plan, the Secretary shall provide for a program for the design, development, and procurement of four nuclear attack submarines to be procured during fiscal years 1998 through 2001, the purpose of which shall be to develop and demonstrate new technologies that will result in each successive submarine of those four being a more capable and more affordable submarine than the submarine that preceded it. The program shall be structured so that—

(A) one of the four submarines is to be constructed with funds appropriated for each fiscal year from fiscal year 1998 through fiscal year 2001;

(B) in order to ensure flexibility for innovation, the fiscal year 1998 and the fiscal year 2000 submarines are to be constructed by the Electric Boat Division and the fiscal year 1999 and the fiscal year 2001 submarines are to be constructed by Newport News Shipbuilding;

(C) the design designated by the Navy for the submarine previously designated as the New Attack Submarine will be used as the base design by both contractors;

(D) each contractor shall be called upon to propose improvements, including design improvements, for each successive submarine as new and better technology is demonstrated and matures so that—

(i) each successive submarine is more capable and more affordable; and

(ii) the design for a future class of nuclear attack submarines will incorporate the latest, best, and most affordable technology; and

(E) the fifth and subsequent nuclear attack submarines to be built after the SSN–23 submarine shall be procured as required by subsection (b)(1).

(3) The plan under paragraph (1) shall—

(A) set forth a program to accomplish the design, development, and construction of the four submarines taking maximum advantage of a streamlined acquisition process, as provided under subsection (d);

(B) culminate in selection of a design for a next submarine for serial production not earlier than fiscal year 2003, with such submarine to be procured as required by subsection (b)(1);

(C) identify advanced technologies that are in various phases of research and development, as well as those that are commercially available off-the-shelf, that are candidates to be incorporated into the plan to design, develop, and procure the submarines;

(D) designate the fifth submarine to be procured as the lead ship in the next generation submarine class, unless the Secretary of the Navy, in consultation with the special submarine review panel described in subsection (f), determines that more submarines should be built before the design of the new class of submarines is fixed, in which case each such additional submarine shall be procured in the same manner as is required by subsection (b)(1); and

(E) identify the impact of the submarine program described in paragraph (1) on the remainder of the appropriation account known as "Shipbuilding and Conversion, Navy", as such impact relates to—

(i) force structure levels required by the October 1993 Department of Defense report entitled "Report on the Bottom-Up Review";

(ii) force structure levels required by the 1995 report on the Surface Ship Combatant Study that was carried out for the Department of Defense; and

(iii) the funding requirements for submarine construction, as a percentage of the total ship construction account, for each fiscal year throughout the FYDP.

(4) As part of such plan, the Secretary shall provide—

(A) cost estimates and schedules for developing new technologies that may be used to make submarines more capable and more affordable; and

(B) an analysis of significant risks associated with fielding the new technologies on the schedule proposed by the Secretary and significant increased risks that are likely to be incurred by accelerating that schedule.

(d) STREAMLINED ACQUISITION PROCESS.—The Secretary of Defense shall prescribe and use streamlined acquisition policies and procedures to reduce the cost and increase the efficiency of the submarine program under this section.

(e) ANNUAL REVISIONS TO PLAN.—The Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives an annual update to the plan required to be submitted under subsection (b). Each such update shall be submitted concurrent with the President's budget submission to Congress for each of fiscal years 1998 through 2002.

(f) SPECIAL SUBMARINE REVIEW PANEL.—(1) The plan under subsection (c) and each annual update under subsection (e) shall be reviewed by a special bipartisan congressional panel working with the Navy. The panel shall consist of three members of the Committee on Armed Services of the Senate, who shall be designated by the chairman of that committee, and three members of the Committee on National Security of the House of Representatives, who shall be designated by the chairman of that committee. The members of the panel shall be briefed by the Secretary of the Navy on the status of the submarine modernization program and the status of submarine-related research and development under this section.

Reports.

(2) Not later than May 1 of each year, the panel shall report to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives on the panel's findings and recommendations regarding the progress of the Secretary in procuring a more capable, less expensive submarine. The panel may recommend any funding adjustments it believes appropriate to achieve this objective.

(g) LINKAGE OF FISCAL YEAR 1998 AND 1999 SUBMARINES.—Funds referred to in subsection (a)(1)(B) that are available for the fiscal year 1998 and fiscal year 1999 submarines under this section may not be expended during fiscal year 1996 for the fiscal year 1998 submarine (other than for design) unless funds are obligated or expended during such fiscal year for a contract in support of procurement of the fiscal year 1999 submarine.

(h) CONTRACTS AUTHORIZED.—The Secretary of the Navy is authorized, using funds available pursuant to paragraph (1)(B) of subsection (a), to enter into contracts with Electric Boat Division and Newport News Shipbuilding, and suppliers of components, during fiscal year 1996 for—

(1) the procurement of long-lead components for the fiscal year 1998 submarine and the fiscal year 1999 submarine under this section; and

(2) advance construction of such components and other components for such submarines.

(i) ADVANCED RESEARCH PROJECTS AGENCY DEVELOPMENT OF ADVANCED TECHNOLOGIES.—(1) Of the amount provided in section 201(4) for the Advanced Research Projects Agency, $100,000,000 is available only for development and demonstration of advanced technologies for incorporation into the submarines constructed as part of the plan developed under subsection (c). Such advanced technologies shall include the following:

(A) Electric drive.
(B) Hydrodynamic quieting.
(C) Ship control automation.
(D) Solid-state power electronics.
(E) Wake reduction technologies.
(F) Superconductor technologies.
(G) Torpedo defense technologies.
(H) Advanced control concept.
(I) Fuel cell technologies.
(J) Propulsors.

(2) The Director of the Advanced Research Projects Agency shall implement a rapid prototype acquisition strategy for both land-based and at-sea subsystem and system demonstrations of advanced technologies under paragraph (1). Such acquisition strategy shall be developed and implemented in concert with Electric Boat Division and Newport News Shipbuilding and the Navy.

(j) REFERENCES TO CONTRACTORS.—For purposes of this section—

(1) the contractor referred to as “Electric Boat Division” is the Electric Boat Division of the General Dynamics Corporation; and

(2) the contractor referred to as “Newport News Shipbuilding” is the Newport News Shipbuilding and Drydock Company.

(k) POTENTIAL COMPETITOR DEFINED.—For purposes of this section, the term “potential competitor” means any source to which the Secretary of the Navy has awarded, within 10 years before the date of the enactment of this Act, a contract or contracts to construct one or more nuclear attack submarines.

### SEC. 132. RESEARCH FOR ADVANCED SUBMARINE TECHNOLOGY.

Of the amount appropriated for fiscal year 1996 for the National Defense Sealift Fund, $50,000,000 shall be available only for the Director of the Advanced Research Projects Agency for advanced submarine technology activities.

### SEC. 133. COST LIMITATION FOR SEAWOLF SUBMARINE PROGRAM.

(a) LIMITATION OF COSTS.—Except as provided in subsection (b), the total amount obligated or expended for procurement of the SSN–21, SSN–22, and SSN–23 Seawolf class submarines may not exceed $7,223,659,000.

(b) AUTOMATIC INCREASE OF LIMITATION AMOUNT.—The amount of the limitation set forth in subsection (a) is increased by the following amounts:

(1) The amounts of outfitting costs and post-delivery costs incurred for the submarines referred to in such subsection.

(2) The amounts of increases in costs attributable to economic inflation after September 30, 1995.

(3) The amounts of increases in costs attributable to compliance with changes in Federal, State, or local laws enacted after September 30, 1995.

(c) REPEAL OF SUPERSEDED PROVISION.—Section 122 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2682) is repealed.

### SEC. 134. REPEAL OF PROHIBITION ON BACKFIT OF TRIDENT SUBMARINES.

Section 124 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2683) is repealed.

### SEC. 135. ARLEIGH BURKE CLASS DESTROYER PROGRAM.

(a) AUTHORIZATION FOR PROCUREMENT OF SIX VESSELS.—The Secretary of the Navy is authorized to construct six Arleigh Burke class destroyers in accordance with this section. Within the amount authorized to be appropriated pursuant to section 102(a)(3), $2,169,257,000 is authorized to be appropriated for construction (including advance procurement) for the Arleigh Burke class destroyers.

(b) CONTRACTS.—(1) The Secretary is authorized to enter into contracts in fiscal year 1996 for the construction of three Arleigh Burke class destroyers.

(2) The Secretary is authorized, in fiscal year 1997, to enter into contracts for the construction of the other three Arleigh Burke class destroyers covered by subsection (a), subject to the availability of appropriations for such destroyers.

(3) In awarding contracts for the six vessels covered by subsection (a), the Secretary shall continue the contract award pattern and sequence used by the Secretary for the procurement of Arleigh Burke class destroyers during fiscal years 1994 and 1995.

(4) A contract for construction of a vessel or vessels that is entered into in accordance with paragraph (1) shall include a clause that limits the liability of the Government to the contractor for any termination of the contract. The maximum liability of the Government under the clause shall be the amount appropriated for the vessel or vessels.

(c) USE OF AVAILABLE FUNDS.—(1) Subject to paragraph (2), the Secretary may take appropriate actions to use for full funding of a contract entered into in accordance with subsection (b)—

(A) any funds that, having been appropriated for shipbuilding and conversion programs of the Navy other than Arleigh Burke class destroyer programs pursuant to the authorization in section 102(a)(3), become excess to the needs of the Navy for such programs by reason of cost savings achieved for such programs;

(B) any unobligated funds that are available to the Secretary for shipbuilding and conversion for any fiscal year before fiscal year 1996; and

(C) any funds that are appropriated after the date of the enactment of the Department of Defense Appropriations Act, 1996, to complete the full funding of the contract.

(2) The Secretary may not, in the exercise of authority provided in subparagraph (A) or (B) of paragraph (1), obligate funds for a contract entered into in accordance with subsection (b) until 30 days after the date on which the Secretary submits to the congressional defense committees in writing a notification of the intent to obligate the funds. The notification shall set forth the source or sources of the funds and the amount of the funds from each such source that is to be so obligated.

## SEC. 136. ACQUISITION PROGRAM FOR CRASH ATTENUATING SEATS.

(a) PROGRAM AUTHORIZED.—The Secretary of the Navy shall establish a program to procure for, and install in, H–53E military transport helicopters commercially developed, energy absorbing, crash attenuating seats that the Secretary determines are consistent with military specifications for seats for such helicopters.

(b) FUNDING.—To the extent provided in appropriations Acts, of the unobligated balance of amounts appropriated for the Legacy Resource Management Program pursuant to the authorization of appropriations in section 301(5) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2706), not more than $10,000,000 shall be available to the Secretary of the Navy, by transfer to the appropriate accounts, for carrying out the program authorized in subsection (a).

## SEC. 137. T–39N TRAINER AIRCRAFT.

(a) LIMITATION.—The Secretary of the Navy may not enter into a contract, using funds appropriated for fiscal year 1996 for procurement of aircraft for the Navy, for the acquisition of the aircraft described in subsection (b) until 60 days after the date on which the Under Secretary of Defense for Acquisition and Technology submits to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives—

(1) an analysis of the proposed acquisition of such aircraft; and

(2) a certification that the proposed acquisition during fiscal year 1996 (A) is in the best interest of the Government, and (B) is the most cost effective means of meeting the requirements of the Navy for aircraft for use in the training of naval flight officers.

(b) COVERED AIRCRAFT.—Subsection (a) applies to certain T–39 trainer aircraft that as of November 1, 1995 (1) are used by the Navy under a lease arrangement for the training of naval flight officers, and (2) are offered for sale to the Government.

## SEC. 138. PIONEER UNMANNED AERIAL VEHICLE PROGRAM.

Not more than one-sixth of the amount appropriated pursuant to this Act for the activities and operations of the Unmanned Aerial Vehicle Joint Program Office (UAV–JPO), and none of the unobligated balances of funds appropriated for fiscal years before iscal year 1996 for the activities and operations of such office, nay be obligated until the Secretary of the Navy certifies to the Committee on Armed Services of the Senate and the Committee n National Security of the House of Representatives that funds ave been obligated to equip nine Pioneer Unmanned Aerial Vehicle ystems with the Common Automatic Landing and Recovery System CARS).

## Subtitle D—Air Force Programs

### EC. 141. B–2 AIRCRAFT PROGRAM.

(a) Repeal of Limitations.—The following provisions of law re repealed:

(1) Section 151(c) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2339).

(2) Sections 131(c) and 131(d) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1569).

(3) Section 133(e) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2688).

(b) Conversion of Limitation to Annual Report Requirement.—Section 112 of the National Defense Authorization Act for iscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1373) s amended—

(1) by striking out subsection (a);

(2) by striking out the matter in subsection (b) preceding paragraph (1) and inserting in lieu thereof the following:

"(a) Annual Reporting Requirement.—Not later than March of each year, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National ecurity of the House of Representatives a report that sets forth he finding of the Secretary (as of January 1 of such year) on ach of the following matters:";

(3) by striking out "That" in paragraphs (1), (2), (3), (4), and (5) and inserting in lieu thereof "Whether";

(4) in paragraph (1), by striking out "latest" and all that follows through "100–180" and inserting in lieu thereof "Requirements Correlation Matrix found in the user-defined Operational Requirements Document (as contained in Attachment B to a letter from the Secretary of Defense to Congress dated October 14, 1993)";

(5) in paragraph (3), by striking out "congressional defense";

(6) in paragraph (4), by striking out "such certification to be submitted";

(7) by adding at the end the following:

"(b) First Report.—The Secretary shall submit the first annual eport under subsection (a) not later than March 1, 1996."; and

(8) by amending the section heading to read as follows:

### SEC. 112. ANNUAL REPORT ON B–2 BOMBER AIRCRAFT PROGRAM.".

(c) Repeal of Condition on Obligation of Funds in nhanced Bomber Capability Fund.—Section 133(d)(3) of the ational Defense Authorization Act for Fiscal Year 1995 (Public aw 103–337; 108 Stat. 2688) is amended by striking out "If," nd all that follows through "bombers, the Secretary" and inserting n lieu thereof "The Secretary".

### SEC. 142. PROCUREMENT OF B–2 BOMBERS.

Of the amount authorized to be appropriated by section 103 for the B–2 bomber procurement program, not more than $279,921,000 may be obligated or expended before March 31, 1996.

### SEC. 143. MC–130H AIRCRAFT PROGRAM.

The limitation on the obligation of funds for payment of an award fee and the procurement of contractor-furnished equipment for the MC–130H Combat Talon aircraft set forth in section 161(a) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1388) shall cease to apply upon determination by the Director of Operational Test and Evaluation (and submission of a certification of that determination to the congressional defense committees) that, based on the operational test and evaluation and the analysis conducted on that aircraft to the date of that determination, such aircraft is operationally effective and meets the needs of its intended users.

## Subtitle E—Chemical Demilitarization Program

### SEC. 151. REPEAL OF REQUIREMENT TO PROCEED EXPEDITIOUSLY WITH DEVELOPMENT OF CHEMICAL DEMILITARIZATION CRYOFRACTURE FACILITY AT TOOELE ARMY DEPOT, UTAH.

Subsection (a) of section 173 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1393) is repealed.

50 USC 1521 note.

### SEC. 152. DESTRUCTION OF EXISTING STOCKPILE OF LETHAL CHEMICAL AGENTS AND MUNITIONS.

(a) IN GENERAL.—The Secretary of Defense shall proceed with the program for destruction of the chemical munitions stockpile of the Department of Defense while maintaining the maximum protection of the environment, the general public, and the personnel involved in the actual destruction of the munitions. In carrying out such program, the Secretary shall use technologies and procedures that will minimize the risk to the public at each site.

(b) INITIATION OF DEMILITARIZATION OPERATIONS.—The Secretary of Defense may not initiate destruction of the chemical munitions stockpile stored at a site until the following support measures are in place:

(1) Support measures that are required by Department of Defense and Army chemical surety and security program regulations.

(2) Support measures that are required by the general and site chemical munitions demilitarization plans specific to that installation.

(3) Support measures that are required by the permits required by the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) and the Clean Air Act (42 U.S.C. 7401 et seq.) for chemical munitions demilitarization operations at that installation, as approved by the appropriate State regulatory agencies.

(c) ASSESSMENT OF ALTERNATIVES.—(1) The Secretary of Defense shall conduct an assessment of the current chemical demilitarization program and of measures that could be taken to reduce

gnificantly the total cost of the program, while ensuring maximum
rotection of the general public, the personnel involved in the
emilitarization program, and the environment. The measures
nsidered shall be limited to those that would minimize the risk
the public. The assessment shall be conducted without regard
any limitation that would otherwise apply to the conduct of
ch an assessment under any provision of law.

(2) The assessment shall be conducted in coordination with
e National Research Council.

(3) Based on the results of the assessment, the Secretary shall
evelop appropriate recommendations for revision of the chemical
emilitarization program.

Reports.

(4) Not later than March 1, 1996, the Secretary of Defense
hall submit to the congressional defense committees an interim
port assessing the current status of the chemical stockpile demili-
rization program, including the results of the Army's analysis
the physical and chemical integrity of the stockpile and implica-
ons for the chemical demilitarization program, and providing rec-
mmendations for revisions to that program that have been included
the budget request of the Department of Defense for fiscal
ear 1997. The Secretary shall submit to the congressional defense
mmittees with the submission of the budget request of the Depart-
ent of Defense for fiscal year 1998 a final report on the assessment
nducted in accordance with paragraph (1) and recommendations
r revision to the program, including an assessment of alternative
emilitarization technologies and processes to the baseline inciner-
ion process and potential reconfiguration of the stockpile that
ould be incorporated in the program.

(d) ASSISTANCE FOR CHEMICAL WEAPONS STOCKPILE COMMU-
ITIES AFFECTED BY BASE CLOSURE.—(1) The Secretary of Defense
hall review and evaluate issues associated with closure and
utilization of Department of Defense facilities co-located with
ntinuing chemical stockpile and chemical demilitarization oper-
ions.

(2) The review shall include the following:

(A) An analysis of the economic impacts on these communities and the unique reuse problems facing local communities associated with ongoing chemical weapons programs.

(B) Recommendations of the Secretary on methods for expeditious and cost-effective transfer or lease of these facilities to local communities for reuse by those communities.

Reports.

(3) The Secretary shall submit to the congressional defense
mmittees a report on the review and evaluation under this sub-
ction. The report shall be submitted not later than 90 days
ter the date of the enactment of this Act.

## C. 153. ADMINISTRATION OF CHEMICAL DEMILITARIZATION PROGRAM.

(a) TRAVEL FUNDING FOR MEMBERS OF CHEMICAL DEMILITARIZA-
ON CITIZENS' ADVISORY COMMISSIONS.—Section 172(g) of Public
aw 102–484 (50 U.S.C. 1521 note) is amended to read as follows:

"(g) PAY AND EXPENSES.—Members of each commission shall
ceive no pay for their involvement in the activities of their
mmissions. Funds appropriated for the Chemical Stockpile
emilitarization Program may be used for travel and associated
avel costs for Citizens' Advisory Commissioners, when such travel

is conducted at the invitation of the Assistant Secretary of the Army (Research, Development, and Acquisition).".

(b) QUARTERLY REPORT CONCERNING TRAVEL FUNDING FOR CITIZENS' ADVISORY COMMISSIONERS.—Section 1412(g) of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521(g)), is amended—

(1) by striking out "(g) ANNUAL REPORT.—" and inserting in lieu thereof "(g) PERIODIC REPORTS.—";

(2) in paragraph (2)—

(A) by striking out "Each such report shall contain—" and inserting in lieu thereof "Each annual report shall contain—"

(B) in subparagraph (B)—

(i) by striking out "and" at the end of clause (iv);

(ii) by striking out the period at the end of clause (v) and inserting in lieu thereof "; and"; and

(iii) by adding at the end the following:

"(vi) travel and associated travel costs for Citizens' Advisory Commissioners under section 172(g) of Public Law 102–484 (50 U.S.C. 1521 note).";

(3) by redesignating paragraph (3) as paragraph (4);

(4) by inserting after paragraph (2) the following new paragraph (3):

"(3) The Secretary shall transmit to the Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on National Security and the Committee on Appropriations of the House of Representatives a quarterly report containing an accounting of all funds expended (during the quarter covered by the report) for travel and associated travel costs for Citizens' Advisory Commissioners under section 172(g) of Public Law 102–484 (50 U.S.C. 1521 note). The quarterly report for the final quarter of the period covered by a report under paragraph (1) may be included in that report."; and

(5) in paragraph (4), as redesignated by paragraph (3)—

(A) by striking out "this subsection" and inserting in lieu thereof "paragraph (1)"; and

(B) by adding at the end the following: "No quarterly report is required under paragraph (3) after the transmittal of the final report under paragraph (1).".

(c) DIRECTOR OF PROGRAM.—Section 1412(e)(3) of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521(e)(3)) is amended by inserting "or civilian equivalent" after "general officer".

# TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

## Subtitle A—Authorization of Appropriations

### SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 1996 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, $4,737,581,000.

(2) For the Navy, $8,474,783,000.

(3) For the Air Force, $12,914,868,000.

(4) For Defense-wide activities, $9,693,180,000, of which—

(A) $251,082,000 is authorized for the activities of the Director, Test and Evaluation; and

(B) $22,587,000 is authorized for the Director of Operational Test and Evaluation.

### EC. 202. AMOUNT FOR BASIC RESEARCH AND EXPLORATORY DEVELOPMENT.

(a) FISCAL YEAR 1996.—Of the amounts authorized to be approriated by section 201, $4,088,879,000 shall be available for basic esearch and exploratory development projects.

(b) BASIC RESEARCH AND EXPLORATORY DEVELOPMENT EFINED.—For purposes of this section, the term "basic research nd exploratory development" means work funded in program elements for defense research and development under Department f Defense category 6.1 or 6.2.

### EC. 203. MODIFICATIONS TO STRATEGIC ENVIRONMENTAL RESEARCH AND DEVELOPMENT PROGRAM.

(a) COUNCIL MEMBERSHIP.—Section 2902(b) of title 10, United tates Code, is amended—

(1) by striking out "thirteen" and inserting in lieu thereof "12";

(2) by striking out paragraph (3);

(3) by redesignating paragraphs (4), (5), (6), (7), (8), (9), and (10) as paragraphs (3), (4), (5), (6), (7), (8), and (9), respectively; and

(4) in paragraph (8), as redesignated, by striking out ", who shall be nonvoting members".

(b) ANNUAL REPORT.—(1) Section 2902 of such title is amended subsection (d)—

(A) by striking out paragraph (3) and inserting in lieu thereof the following:

"(3) To prepare an annual report that contains the following:

"(A) A description of activities of the strategic environmental research and development program carried out during the fiscal year before the fiscal year in which the report is prepared.

"(B) A general outline of the activities planned for the program during the fiscal year in which the report is prepared.

"(C) A summary of projects continued from the fiscal year before the fiscal year in which the report is prepared and projects expected to be started during the fiscal year in which the report is prepared and during the following fiscal year."; and

(B) in paragraph (4), by striking out "Federal Coordinating Council on Science, Engineering, and Technology" and inserting in lieu thereof "National Science and Technology Council".

(2) Section 2902 of such title is further amended—

(A) by striking out subsections (f) and (h);

(B) by redesignating subsection (g) as subsection (f); and

(C) by adding at the end the following new subsection:

"(g)(1) Not later than February 1 of each year, the Council shall submit to the Secretary of Defense the annual report prepared pursuant to subsection (d)(3).

"(2) Not later than March 15 of each year, the Secretary of Defense shall submit such annual report to Congress, along with such comments as the Secretary considers appropriate.".

10 USC 2902 note.

(3) The amendments made by this subsection shall apply with respect to the annual report prepared during fiscal year 1997 and each fiscal year thereafter.

(c) POLICIES AND PROCEDURES.—Section 2902(e) of such title is amended in paragraph (3) by striking out "programs, particularly" and all that follows through the end of the paragraph and inserting in lieu thereof "programs;".

(d) COMPETITIVE PROCEDURES.—Section 2903(c) of such title is amended—

(1) by striking out "or" after "contracts" and inserting in lieu thereof "using competitive procedures. The Executive Director may enter into"; and

(2) by striking out "law, except that" and inserting in lieu thereof "law. In either case,".

(e) CONTINUATION OF EXPIRING AUTHORITY.—(1) Section 2903(d) of such title is amended in paragraph (2) by striking out the last sentence.

Effective date. 10 USC 2903 note.

(2) The amendment made by paragraph (1) shall take effect as of September 29, 1995.

**SEC. 204. DEFENSE DUAL USE TECHNOLOGY INITIATIVE.**

(a) FISCAL YEAR 1996 AMOUNT.—Of the amount authorized to be appropriated in section 201(4), $195,000,000 shall be available for the defense dual use technology initiative conducted under chapter 148 of title 10, United States Code.

(b) AVAILABILITY OF FUNDS FOR EXISTING TECHNOLOGY REINVESTMENT PROJECTS.—The Secretary of Defense shall use amounts made available for the defense dual use technology initiative under subsection (a) only for the purpose of continuing or completing technology reinvestment projects that were initiated before October 1, 1995.

(c) NOTICE CONCERNING PROJECTS TO BE CARRIED OUT.—Of the amounts made available for the defense dual use technology initiative under subsection (a)—

(1) $145,000,000 shall be available for obligation only after the date on which the Secretary of Defense notifies the congressional defense committees regarding the defense reinvestment projects to be funded using such funds; and

(2) the remaining $50,000,000 shall be available for obligation only after the date on which the Secretary of Defense certifies to the congressional defense committees that the defense reinvestment projects to be funded using such funds have been determined by the Joint Requirements Oversight Council to be of significant military priority.

# Subtitle B—Program Requirements, Restrictions, and Limitations

### SEC. 211. SPACE LAUNCH MODERNIZATION.

(a) Allocation of Funds.—Of the amount authorized to be appropriated pursuant to the authorization in section 201(3), $50,000,000 shall be available for a competitive reusable rocket technology program.

(b) Limitation.—Funds made available pursuant to subsection (a)(1) may be obligated only to the extent that the fiscal year 1996 current operating plan of the National Aeronautics and Space Administration allocates at least an equal amount for its Reusable Space Launch program.

### SEC. 212. TACTICAL MANNED RECONNAISSANCE.

(a) Limitation.—None of the amounts appropriated or otherwise made available pursuant to an authorization in this Act may be used by the Secretary of the Air Force to conduct research, development, test, or evaluation for a replacement aircraft, pod, or sensor payload for the tactical manned reconnaissance mission until the report required by subsection (b) is submitted to the congressional defense committees.

(b) Report.—The Secretary of the Air Force shall submit to the congressional defense committees a report setting forth in detail information about the manner in which the funds authorized by section 201 of this Act and section 201 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2690) are planned to be used during fiscal year 1996 for research, development, test, and evaluation for the Air Force tactical manned reconnaissance mission. At a minimum, the report shall include the sources, by program element, of the funds and the purposes for which the funds are planned to be used.

### SEC. 213. JOINT ADVANCED STRIKE TECHNOLOGY (JAST) PROGRAM.

(a) Allocation of Funds.—Of the amounts authorized to be appropriated pursuant to the authorizations in section 201, $200,156,000 shall be available for the Joint Advanced Strike Technology (JAST) program. Of that amount—

(1) $83,795,000 shall be available for program element 63800N in the budget of the Department of Defense for fiscal year 1996;

(2) $85,686,000 shall be available for program element 63800F in such budget; and

(3) $30,675,000 shall be available for program element 63800E in such budget.

(b) Additional Allocation.—Of the amounts made available under paragraphs (1), (2), and (3) of subsection (a)—

(1) $25,000,000 shall be available from the amount authorized to be appropriated pursuant to the authorization in section 201(2) for the conduct, during fiscal year 1996, of a 6-month program definition phase for the A/F117X, an F–117 fighter aircraft modified for use by the Navy as a long-range, medium attack aircraft; and

(2) $7,000,000 shall be available to provide for competitive engine concepts.

(c) LIMITATION.—Not more than 75 percent of the amount appropriated for the Joint Advanced Strike Technology program pursuant to the authorizations in section 201 may be obligated until a period of 30 days has expired after the report required by subsection (d) is submitted to the congressional defense committees.

(d) REPORT.—The Secretary of Defense shall submit to the congressional defense committees a report, in unclassified and classified forms, not later than March 1, 1996, that sets fort in detail the following information for the period 1997 throug 2005:

(1) The total joint requirement, assuming the capabilit to successfully conduct two nearly simultaneous major regiona contingencies, for the following:

(A) Numbers of bombers, tactical combat aircraft, an attack helicopters and the characteristics required of thos aircraft in terms of capabilities, range, and low-observability.

(B) Surface- and air-launched standoff precision guide munitions.

(C) Cruise missiles.

(D) Ground-based systems, such as the Extende Range-Multiple Launch Rocket System and the Army Tactical Missile System (ATACMS), for joint warfightin capability.

(2) The warning time assumptions for two nearly simultaneous major regional contingencies, and the effects on futur tactical attack/fighter aircraft requirements using other warning time assumptions.

(3) The requirements that exist for the Joint Advance Strike Technology program that cannot be met by existin aircraft or by those in development.

### SEC. 214. DEVELOPMENT OF LASER PROGRAM.

Of the amount authorized to be appropriated by section 201(2 $9,000,000 shall be used for the development by the Naval Hig Energy Laser Office of a continuous wave, superconducting radi frequency free electron laser program.

### SEC. 215. NAVY MINE COUNTERMEASURES PROGRAM.

Section 216(a) of the National Defense Authorization Act fo Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1317 is amended—

(1) by striking out "Director, Defense Research an Engineering" and inserting in lieu thereof "Under Secretar of Defense for Acquisition and Technology"; and

(2) by striking out "fiscal years 1995 through 1999" an inserting in lieu thereof "fiscal years 1996 through 1999".

### SEC. 216. SPACE-BASED INFRARED SYSTEM.

(a) PROGRAM BASELINE.—The Secretary of Defense shall establish a program baseline for the Space-Based Infrared System. Suc baseline shall—

(1) include—

(A) program cost and an estimate of the funds require for development and acquisition activities for each fisc year in which such activities are planned to be carrie out;

(B) a comprehensive schedule with program milestones and exit criteria; and

(C) optimized performance parameters for each segment of an integrated space-based infrared system;

(2) be structured to achieve initial operational capability of the low earth orbit space segment (the Space and Missile Tracking System) in fiscal year 2003, with a first launch of Block I satellites in fiscal year 2002;

(3) ensure integration of the Space and Missile Tracking System into the architecture of the Space-Based Infrared System; and

(4) ensure that the performance parameters of all space segment components are selected so as to optimize the performance of the Space-Based Infrared System while minimizing unnecessary redundancy and cost.

(b) REPORT ON PROGRAM BASELINE.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report, in classified and unclassified forms as necessary, on the program baseline established under subsection (a).

(c) ESTABLISHMENT OF PROGRAM ELEMENTS.—In the budget justification materials submitted to Congress in support of the Department of Defense budget for any fiscal year after fiscal year 1996 (as submitted in the budget of the President under section 1105(a) of title 31, United States Code), the amount requested for the Space-Based Infrared System shall be set forth in accordance with the following program elements:

(1) Space Segment High.

(2) Space Segment Low (Space and Missile Tracking System).

(3) Ground Segment.

(d) FUNDING FOR FISCAL YEAR 1996.—Of the amounts authorized to be appropriated pursuant to section 201(3) for fiscal year 1996, or otherwise made available to the Department of Defense for fiscal year 1996, the following amounts shall be available for the Space-Based Infrared System:

(1) $265,744,000 for demonstration and validation, of which $249,824,000 shall be available for the Space and Missile Tracking System.

(2) $162,219,000 for engineering and manufacturing development, of which $9,400,000 shall be available for the Miniature Sensor Technology Integration program.

### SEC. 217. DEFENSE NUCLEAR AGENCY PROGRAMS.

(a) AGENCY FUNDING.—Of the amounts authorized to be appropriated to the Department of Defense in section 201, $241,703,000 shall be available for the Defense Nuclear Agency.

(b) TUNNEL CHARACTERIZATION AND NEUTRALIZATION PROGRAM.—Of the amount made available under subsection (a), $3,000,000 shall be available for a tunnel characterization and neutralization program to be managed by the Defense Nuclear Agency as part of the counterproliferation activities of the Department of Defense.

(c) LONG-TERM RADIATION TOLERANT MICROELECTRONICS PROGRAM.—(1) Of the amount made available under subsection (a), $6,000,000 shall be available for the establishment of a long-term radiation tolerant microelectronics program to be managed by the Defense Nuclear Agency for the purposes of—

(A) providing for the development of affordable and effective hardening technologies and for incorporation of such technologies into systems;

(B) sustaining the supporting industrial base; and

(C) ensuring that a use of a nuclear weapon in regional threat scenarios does not interrupt or defeat the continued operability of systems of the Armed Forces exposed to the combined effects of radiation emitted by the weapon.

Reports. (2) Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on how the long-term radiation tolerant microelectronics program is to be conducted and funded in the fiscal years after fiscal year 1996 that are covered by the future-years defense program submitted to Congress in 1995.

(d) THERMIONICS PROGRAM.—Of the amount made available under subsection (a), $10,000,000 shall be available for the thermionics program, to be managed by the Defense Nuclear Agency.

(e) ELECTROTHERMAL GUN TECHNOLOGY PROGRAM.—Of the amount made available under subsection (a), $4,000,000 shall be available for the electrothermal gun technology program of the Defense Nuclear Agency.

(f) COUNTERTERROR EXPLOSIVES RESEARCH PROGRAM.—Of the amount made available under subsection (a), $4,000,000 shall be available for the counterterror explosives research program of the Defense Nuclear Agency.

(g) TRANSFER OF UNOBLIGATED BALANCE.—The Secretary of Defense shall transfer to the Defense Nuclear Agency, to be available for the thermionics program, an amount not to exceed $12,000,000 from the unobligated balance of funds authorized and appropriated for research, development, test, and evaluation for fiscal year 1995 for the Air Force for the Advanced Weapons Program.

### SEC. 218. COUNTERPROLIFERATION SUPPORT PROGRAM.

(a) FUNDING.—Of the funds authorized to be appropriated to the Department of Defense under section 201(4), $138,237,000 shall be available for the Counterproliferation Support Program, of which $30,000,000 shall be available for a tactical antisatellite technologies program.

(b) ADDITIONAL AUTHORITY TO TRANSFER AUTHORIZATIONS.—(1) In addition to the transfer authority provided in section 1001, upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 1996 to counterproliferation programs, projects, and activities identified as areas for progress by the Counterproliferation Program Review Committee established by section 1605 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1845). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) The total amount of authorizations transferred under the authority of this subsection may not exceed $50,000,000.

(3) The authority provided by this subsection to transfer authorizations—

(A) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(B) may not be used to provide authority for an item that has been denied authorization by Congress.

(4) A transfer made from one account to another under the authority of this subsection shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(5) The Secretary of Defense shall promptly notify Congress of transfers made under the authority of this subsection. Notification.

## SEC. 219. NONLETHAL WEAPONS STUDY.

(a) FINDINGS.—Congress finds the following:

(1) The role of the United States military in operations other than war has increased.

(2) Weapons and instruments that are nonlethal in application yet immobilizing could have widespread operational utility and application.

(3) The use of nonlethal weapons in operations other than war poses a number of important doctrine, legal, policy, and operations questions which should be addressed in a comprehensive and coordinated manner.

(4) The development of nonlethal technologies continues to spread across military and agency budgets.

(5) The Department of Defense should provide improved budgetary focus and management direction to the nonlethal weapons program.

(b) RESPONSIBILITY FOR DEVELOPMENT OF NONLETHAL WEAPONS TECHNOLOGY.—Not later than February 15, 1996, the Secretary of Defense shall assign centralized responsibility for development (and any other functional responsibility the Secretary considers appropriate) of nonlethal weapons technology to an existing office within the Office of the Secretary of Defense or to a military service as the executive agent.

(c) REPORT.—Not later than February 15, 1996, the Secretary of Defense shall submit to Congress a report setting forth the following:

(1) The name of the office or military service assigned responsibility for the nonlethal weapons program by the Secretary of Defense pursuant to subsection (b) and a discussion of the rationale for such assignment.

(2) The degree to which nonlethal weapons are required by more than one of the armed forces.

(3) The time frame for the development and deployment of such weapons.

(4) The appropriate role of the military departments and defense agencies in the development of such weapons.

(5) The military doctrine, legal, policy, and operational issues that must be addressed by the Department of Defense before such weapons achieve operational capability.

(d) AUTHORIZATION.—Of the amount authorized to be appropriated under section 201(4), $37,200,000 shall be available for nonlethal weapons programs and nonlethal technologies programs.

(e) DEFINITION.—For purposes of this section, the term "nonlethal weapon" means a weapon or instrument the effect of which on human targets is less than fatal.

### SEC. 220. FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTERS AND UNIVERSITY-AFFILIATED RESEARCH CENTERS.

(a) CENTERS COVERED.—Funds appropriated or otherwise made available for the Department of Defense for fiscal year 1996 pursuant to an authorization of appropriations in section 201 may be obligated to procure work from a federally funded research and development center (in this section referred to as an "FFRDC") or a university-affiliated research center (in this section referred to as a "UARC") only in the case of a center named in the report required by subsection (b) and, in the case of such a center, only in an amount not in excess of the amount of the proposed funding level set forth for that center in such report.

(b) REPORT ON ALLOCATIONS FOR CENTERS.—(1) Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report containing—

(A) the name of each FFRDC and UARC from which work is proposed to be procured for the Department of Defense for fiscal year 1996; and

(B) for each such center, the proposed funding level and the estimated personnel level for fiscal year 1996.

(2) The total of the proposed funding levels set forth in the report for all FFRDCs and UARCs may not exceed the amount set forth in subsection (d).

(c) LIMITATION PENDING SUBMISSION OF REPORT.—Not more than 15 percent of the funds appropriated or otherwise made available for the Department of Defense for fiscal year 1996 pursuant to an authorization of appropriations in section 201 for FFRDCs and UARCs may be obligated to procure work from an FFRDC or UARC until the Secretary of Defense submits the report required by subsection (b).

(d) FUNDING.—Of the amounts authorized to be appropriated by section 201, not more than a total of $1,668,850,000 may be obligated to procure services from the FFRDCs and UARCs named in the report required by subsection (b).

(e) AUTHORITY TO WAIVE FUNDING LIMITATION.—The Secretary of Defense may waive the limitation regarding the maximum funding amount that applies under subsection (a) to an FFRDC or UARC. Whenever the Secretary proposes to make such a waiver, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives notice of the proposed waiver and the reasons for the waiver. The waiver may then be made only after the end of the 60-day period that begins on the date on which the notice is submitted to those committees, unless the Secretary determines that it is essential to the national security that funds be obligated for work at that center in excess of that limitation before the end of such period and notifies those committees of that determination and the reasons for the determination. Notice.

(f) FIVE-YEAR PLAN.—(1) The Secretary of Defense, in consultation with the Secretaries of the military departments, shall develop a five-year plan to reduce and consolidate the activities performed by FFRDCs and UARCs and establish a framework for the future workload of such centers.

(2) The plan shall—

(A) set forth the manner in which the Secretary of Defense could achieve by October 1, 2000, implementation by FFRDCs and UARCs of only those core activities, as defined by the Secretary, that require the unique capabilities and arrangements afforded by such centers; and

(B) include an assessment of the number of personnel needed in each FFRDC and UARC during each year over the five years covered by the plan.

(3) Not later than February 1, 1996, the Secretary of Defense shall submit to the congressional defense committees a report on the plan required by this subsection. Reports.

## SEC. 221. JOINT SEISMIC PROGRAM AND GLOBAL SEISMIC NETWORK.

Of the amount authorized to be appropriated under section 201(3), $9,500,000 shall be available for fiscal year 1996 (in program element 61101F in the budget of the Department of Defense for fiscal year 1996) for continuation of the Joint Seismic Program and Global Seismic Network.

## SEC. 222. HYDRA–70 ROCKET PRODUCT IMPROVEMENT PROGRAM.

(a) FUNDING AUTHORIZATION.—Of the amount authorized to be appropriated under section 201(1) for Other Missile Product Improvement Programs, $10,000,000 is authorized to be appropriated for a Hydra–70 rocket product improvement program and to be made available under such program for full qualification and operational platform certification of a Hydra–70 rocket described in subsection (b) for use on the Apache attack helicopter.

(b) HYDRA–70 ROCKET COVERED.—The Hydra–70 rocket referred to in subsection (a) is any Hydra–70 rocket that has as its propulsion component a 2.75-inch rocket motor that is a nondevelopmental item and uses a composite propellant.

(c) COMPETITION REQUIRED.—The Secretary of the Army shall conduct the product improvement program referred to in subsection (a) with full and open competition.

(d) SUBMISSION OF TECHNICAL DATA PACKAGE REQUIRED.—Upon the full qualification and operational platform certification of a Hydra–70 rocket as described in subsection (a), the contractor providing the rocket so qualified and certified shall submit the technical data package for the rocket to the Secretary of the Army. The Secretary shall use the technical data package in competitions for contracts for the procurement of Hydra–70 rockets described in subsection (b) for the Army.

(e) DEFINITIONS.—For purposes of this section, the terms “full and open competition” and “nondevelopmental item” have the meanings given such terms in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

## SEC. 223. LIMITATION ON OBLIGATION OF FUNDS UNTIL RECEIPT OF ELECTRONIC COMBAT CONSOLIDATION MASTER PLAN.

(a) LIMITATION.—Not more than 75 percent of the amounts appropriated or otherwise made available pursuant to the authorization of appropriations in section 201 for test and evaluation program elements 65896A, 65864N, 65807F, and 65804D in the budget of the Department of Defense for fiscal year 1996 may be obligated until 14 days after the date on which the congressional defense committees receive the plan specified in subsection (b).

(b) PLAN.—The plan referred to in subsection (a) is the master plan for electronic combat consolidation described under Defense-Wide Programs under Research, Development, Test, and Evaluation in the Report of the Committee on Armed Services of the House of Representatives on H.R. 4301 (House Report 103–499), dated May 10, 1994.

### SEC. 224. REPORT ON REDUCTIONS IN RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

(a) REPORT REQUIREMENT.—Not later than March 15, 1996, the Under Secretary of Defense (Comptroller) shall submit to the congressional defense committees a report that sets forth in detail the allocation of reductions for research, development, test, and evaluation described in subsection (b).

(b) DESCRIPTION OF REDUCTIONS.—The reductions for research, development, test, and evaluation covered by subsection (a) are the following Army, Navy, Air Force, and Defense-wide reductions, as required by the Department of Defense Appropriations Act, 1996:

(1) General reductions.

(2) Reductions to reflect savings from revised economic assumptions.

(3) Reductions to reflect the funding ceiling for defense federally funded research and development centers.

(4) Reductions for savings through improved management of contractor automatic data processing costs charged through indirect rates on Department of Defense acquisition contracts.

### SEC. 225. ADVANCED FIELD ARTILLERY SYSTEM (CRUSADER).

(a) AUTHORITY TO USE FUNDS FOR ALTERNATIVE PROPELLANT TECHNOLOGIES.—During fiscal year 1996, the Secretary of the Army may use funds appropriated for the liquid propellant portion of the Advanced Field Artillery System (Crusader) program for fiscal year 1996 for alternative propellant technologies and integration of those technologies into the design of the Crusader if—

(1) the Secretary determines that the technical risk associated with liquid propellant will increase costs and delay the initial operational capability of the Crusader; and

Notification.

(2) the Secretary notifies the congressional defense committees of the proposed use of the funds and the reasons for the proposed use of the funds.

(b) LIMITATION.—The Secretary of the Army may not spend funds for the liquid propellant portion of the Crusader program after August 15, 1996, unless—

(1) the report required by subsection (c) has been submitted by that date; and

(2) such report includes documentation of significant progress, as determined by the Secretary, toward meeting the objectives for the liquid propellant portion of the program, as set forth in the baseline description for the Crusader program and approved by the Office of the Secretary of Defense on January 4, 1995.

(c) REPORT REQUIRED.—Not later than August 1, 1996, the Secretary of the Army shall submit to the congressional defense committees a report containing documentation of the progress being made in meeting the objectives set forth in the baseline description for the Crusader program and approved by the Office of the Secetary of Defense on January 4, 1995. The report shall specifically ddress the progress being made toward meeting the following bjectives:

(1) Establishment of breech and ignition design criteria for rate of fire for the cannon of the Crusader.

(2) Selection of a satisfactory ignition concept for the next prototype of the cannon.

(3) Selection, on the basis of modeling and simulation, of design concepts to prevent chamber piston reversals, and validation of the selected concepts by gun and mock chamber firings.

(4) Achievement of an understanding of the chemistry and physics of propellant burn resulting from the firing of liquid propellant into any target zone, and achievement, on the basis of modeling and simulation, of an ignition process that is predictable.

(5) Completion of an analysis of the management of heat dissipation for the full range of performance requirements for the cannon, completion of concept designs supported by that analysis, and proposal of such concept designs for engineering.

(6) Development, for integration into the next prototype of the cannon, of engineering designs to control pressure oscillations in the chamber of the cannon during firing.

(7) Completion of an assessment of the sensitivity of liquid propellant to contamination by various materials to which it may be exposed throughout the handling and operation of the cannon, and documentation of predictable reactions of contaminated or sensitized liquid propellant.

(d) ADDITIONAL MATTERS TO BE COVERED BY REPORT.—The eport required by subsection (c) also shall contain the following:

(1) An assertion that all the known hazards associated with liquid propellant have been identified and are controllable to acceptable levels.

(2) An assessment of the technology for each component of the Crusader (the cannon, vehicle, and crew module), including, for each performance goal of the Crusader program (including the goal for total system weight), information about the maturity of the technology to achieve that goal, the maturity of the design of the technology, and the manner in which the design has been proven (for example, through simulation, bench testing, or weapon firing).

(3) An assessment of the cost of continued development of the Crusader after August 1, 1996, and the cost of each unit of the Crusader in the year the Crusader will be completed.

## EC. 226. DEMILITARIZATION OF CONVENTIONAL MUNITIONS, ROCKETS, AND EXPLOSIVES.

Of the amount appropriated pursuant to the authorization in ection 201 for explosives demilitarization technology, $15,000,000 hall be available to establish an integrated program for the development and demonstration of conventional munitions and explosives emilitarization technologies that comply with applicable environental laws for the demilitarization and disposal of unserviceable, bsolete, or nontreaty compliant munitions, rocket motors, and xplosives.

### SEC. 227. DEFENSE AIRBORNE RECONNAISSANCE PROGRAM.

(a) LIMITATION.—Not more than three percent of the tot amount appropriated for research and development under th Defense Airborne Reconnaissance program pursuant to th authorizations of appropriations in section 201 may be obligate for systems engineering and technical assistance (SETA) contrac until—

(1) funds are obligated (out of such appropriated fund for—

(A) the upgrade of U–2 aircraft senior year electr optical reconnaissance sensors to the newest configuratio and

(B) the upgrade of the U–2 SIGINT system; and

(2) the Under Secretary of Defense for Acquisition an Technology submits the report required under subsection (b

(b) REPORT ON U–2-RELATED UPGRADES.—(1) Not later tha April 1, 1996, the Under Secretary of Defense for Acquisition an Technology shall transmit to the Committee on Armed Servic of the Senate and the Committee on National Security of t House of Representatives a report on obligations of funds f upgrades relating to airborne reconnaissance by U–2 aircraft.

(2) The report shall set forth the specific purposes under t general purposes described in subparagraphs (A) and (B) of su section (a)(1) for which funds have been obligated (as of the da of the report) and the amounts that have been obligated (as such date) for those specific purposes.

Ballistic Missile Defense Act of 1995.
10 USC 2431 note.

## Subtitle C—Ballistic Missile Defense Act o 1995

### SEC. 231. SHORT TITLE.

This subtitle may be cited as the “Ballistic Missile Defen Act of 1995”.

### SEC. 232. FINDINGS.

Congress makes the following findings:

(1) The emerging threat that is posed to the national sec rity interests of the United States by the proliferation of balli tic missiles is significant and growing, both in terms of numbe of missiles and in terms of the technical capabilities of tho missiles.

(2) The deployment of ballistic missile defenses is a ne essary, but not sufficient, element of a broader strategy discourage both the proliferation of weapons of mass destructi and the proliferation of the means of their delivery and defend against the consequences of such proliferation.

(3) The deployment of effective Theater Missile Defen systems can deter potential adversaries of the United Stat from escalating a conflict by threatening or attacking Unit States forces or the forces or territory of coalition partne or allies of the United States with ballistic missiles arm with weapons of mass destruction to offset the operation and technical advantages of the United States and its coaliti partners and allies.

(4) United States intelligence officials have provided int ligence estimates to congressional committees that (A) the tre

in missile proliferation is toward longer range and more sophisticated ballistic missiles, (B) North Korea may deploy an intercontinental ballistic missile capable of reaching Alaska or beyond within five years, and (C) although a new, indigenously developed ballistic missile threat to the continental United States is not foreseen within the next ten years, determined countries can acquire intercontinental ballistic missiles in the near future and with little warning by means other than indigenous development.

(5) The development and deployment by the United States and its allies of effective defenses against ballistic missiles of all ranges will reduce the incentives for countries to acquire such missiles or to augment existing missile capabilities.

(6) The concept of mutual assured destruction (based upon an offense-only form of deterrence), which is the major philosophical rationale underlying the ABM Treaty, is now questionable as a basis for stability in a multipolar world in which the United States and the states of the former Soviet Union are seeking to normalize relations and eliminate Cold War attitudes and arrangements.

(7) The development and deployment of a National Missile Defense system against the threat of limited ballistic missile attacks—

(A) would strengthen deterrence at the levels of forces agreed to by the United States and Russia under the Strategic Arms Reduction Talks Treaty (START–I); and

(B) would further strengthen deterrence if reductions below the levels permitted under START–I should be agreed to and implemented in the future.

(8) The distinction made during the Cold War, based upon the technology of the time, between strategic ballistic missiles and nonstrategic ballistic missiles, which resulted in the distinction made in the ABM Treaty between strategic defense and nonstrategic defense, has become obsolete because of technological advancement (including the development by North Korea of long-range Taepo-Dong I and Taepo-Dong II missiles) and, therefore, that distinction in the ABM Treaty should be reviewed.

## SEC. 233. BALLISTIC MISSILE DEFENSE POLICY.

It is the policy of the United States—

(1) to deploy affordable and operationally effective theater missile defenses to protect forward-deployed and expeditionary elements of the Armed Forces of the United States and to complement the missile defense capabilities of forces of coalition partners and of allies of the United States; and

(2) to seek a cooperative, negotiated transition to a regime that does not feature an offense-only form of deterrence as the basis for strategic stability.

## SEC. 234. THEATER MISSILE DEFENSE ARCHITECTURE.

(a) ESTABLISHMENT OF CORE PROGRAM.—To implement the policy established in paragraph (1) of section 233, the Secretary of Defense shall restructure the core theater missile defense program to consist of the following systems, to be carried out so as to achieve the specified capabilities:

(1) The Patriot PAC–3 system, with a first unit equipped (FUE) during fiscal year 1998.

(2) The Navy Lower Tier (Area) system, with a user operational evaluation system (UOES) capability during fiscal year 1997 and an initial operational capability (IOC) during fiscal year 1999.

(3) The Theater High-Altitude Area Defense (THAAD) system, with a user operational evaluation system (UOES) capability not later than fiscal year 1998 and a first unit equipped (FUE) not later than fiscal year 2000.

(4) The Navy Upper Tier (Theater Wide) system, with a user operational evaluation system (UOES) capability during fiscal year 1999 and an initial operational capability (IOC) during fiscal year 2001.

(b) USE OF STREAMLINED ACQUISITION PROCEDURES.—The Secretary of Defense shall prescribe and use streamlined acquisition policies and procedures to reduce the cost and increase the efficiency of developing and deploying the theater missile defense systems specified in subsection (a).

(c) INTEROPERABILITY AND SUPPORT OF CORE SYSTEMS.—To maximize effectiveness and flexibility of the systems comprising the core theater missile defense program, the Secretary of Defense shall ensure that those systems are integrated and complementary and are fully capable of exploiting external sensor and battle management support from systems such as—

(A) the Cooperative Engagement Capability (CEC) system of the Navy;

(B) airborne sensors; and

(C) space-based sensors (including, in particular, the Space and Missile Tracking System).

(d) FOLLOW-ON SYSTEMS.—(1) The Secretary of Defense shall prepare an affordable development plan for theater missile defense systems to be developed as follow-on systems to the core systems specified in subsection (a). The Secretary shall make the selection of a system for inclusion in the plan based on the capability of the system to satisfy military requirements not met by the systems in the core program and on the capability of the system to use prior investments in technologies, infrastructure, and battle-management capabilities that are incorporated in, or associated with, the systems in the core program.

Notice.

(2) The Secretary may not proceed with the development of a follow-on theater missile defense system beyond the Demonstration/Validation stage of development unless the Secretary designates that system as a part of the core program under this section and submits to the congressional defense committees notice of that designation. The Secretary shall include with any such notification a report describing—

Reports.

(A) the requirements for the system and the specific threats that such system is designed to counter;

(B) how the system will relate to, support, and build upon existing core systems;

(C) the planned acquisition strategy for the system; and

(D) a preliminary estimate of total program cost for that system and the effect of development and acquisition of such system on Department of Defense budget projections.

(e) PROGRAM ACCOUNTABILITY REPORT.—(1) As part of the annual report of the Ballistic Missile Defense Organization required by section 224 of Public Law 101–189 (10 U.S.C. 2431 note), the Secretary of Defense shall describe the technical milestones, the chedule, and the cost of each phase of development and acquisition together with total estimated program costs) for each core and ollow-on theater missile defense program.

(2) As part of such report, the Secretary shall describe, with espect to each program covered in the report, any variance in he technical milestones, program schedule milestones, and costs or the program compared with the information relating to that rogram in the report submitted in the previous year and in the eport submitted in the first year in which that program was overed.

Certification.

(f) REPORTS ON TMD SYSTEM LIMITATIONS UNDER ABM REATY.—(1) Whenever, after January 1, 1993, the Secretary of efense issues a certification with respect to the compliance of particular Theater Missile Defense system with the ABM Treaty, he Secretary shall transmit to the Committee on Armed Services f the Senate and the Committee on National Security of the ouse of Representatives a copy of such certification. Such transmit-al shall be made not later than 30 days after the date on which uch certification is issued, except that in the case of a certification ssued before the date of the enactment of this Act, such transmittal hall be made not later than 60 days after the date of the enactment f this Act.

(2) If a certification under paragraph (1) is based on application f a policy concerning United States compliance with the ABM reaty that differs from the policy described in section 235(b)(1), he Secretary shall include with the transmittal under that para-raph a report providing a detailed assessment of—

(A) how the policy applied differs from the policy described in section 235(b)(1); and

(B) how the application of that policy (rather than the policy described in section 235(b)(1)) will affect the cost, schedule, and performance of that system.

### EC. 235. PROHIBITION ON USE OF FUNDS TO IMPLEMENT AN INTERNATIONAL AGREEMENT CONCERNING THEATER MISSILE DEFENSE SYSTEMS.

(a) FINDINGS.—(1) Congress hereby reaffirms—

(A) the finding in section 234(a)(7) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1595; 10 U.S.C. 2431 note) that the ABM Treaty was not intended to, and does not, apply to or limit research, development, testing, or deployment of missile defense systems, system upgrades, or system components that are designed to counter modern theater ballistic missiles, regardless of the capabilities of such missiles, unless those systems, system upgrades, or system components are tested against or have demonstrated capabilities to counter modern strategic ballistic missiles; and

(B) the statement in section 232 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2700) that the United States shall not be bound by any international agreement entered into by the President that would substantively modify the ABM Treaty unless the agreement is entered into pursuant to the treaty making power of the President under the Constitution.

(2) Congress also finds that the demarcation standard described n subsection (b)(1) for compliance of a missile defense system,

system upgrade, or system component with the ABM Treaty is based upon current technology.

(b) SENSE OF CONGRESS CONCERNING COMPLIANCE POLICY.—It is the sense of Congress that—

(1) unless a missile defense system, system upgrade, or system component (including one that exploits data from space-based or other external sensors) is flight tested in an ABM-qualifying flight test (as defined in subsection (e)), that system, system upgrade, or system component has not, for purposes of the ABM Treaty, been tested in an ABM mode nor been given capabilities to counter strategic ballistic missiles and, therefore, is not subject to any application, limitation, or obligation under the ABM Treaty; and

(2) any international agreement that would limit the research, development, testing, or deployment of missile defense systems, system upgrades, or system components that are designed to counter modern theater ballistic missiles in a manner that would be more restrictive than the compliance criteria specified in paragraph (1) should be entered into only pursuant to the treaty making powers of the President under the Constitution.

(c) PROHIBITION ON FUNDING.—Funds appropriated or otherwise made available to the Department of Defense for fiscal year 1996 may not be obligated or expended to implement an agreement or any understanding with respect to interpretation of the ABM Treaty, between the United States and any of the independent states of the former Soviet Union entered into after January 1 1995, that—

(1) would establish a demarcation between theater missile defense systems and anti-ballistic missile systems for purposes of the ABM Treaty; or

(2) would restrict the performance, operation, or deployment of United States theater missile defense systems.

(d) EXCEPTIONS.—Subsection (c) does not apply—

(1) to the extent provided by law in an Act enacted after this Act;

(2) to expenditures to implement that portion of any such agreement or understanding that implements the policy set forth in subsection (b)(1); or

(3) to expenditures to implement any such agreement or understanding that is approved as a treaty or by law.

(e) ABM-QUALIFYING FLIGHT TEST DEFINED.—For purposes of this section, an ABM-qualifying flight test is a flight test against a ballistic missile which, in that flight test, exceeds (1) a range of 3,500 kilometers, or (2) a velocity of 5 kilometers per second

### SEC. 236. BALLISTIC MISSILE DEFENSE COOPERATION WITH ALLIES

It is in the interest of the United States to develop its own missile defense capabilities in a manner that will permit the United States to complement the missile defense capabilities developed and deployed by its allies and possible coalition partners. Therefore the Congress urges the President—

(1) to pursue high-level discussions with allies of the United States and selected other states on the means and methods by which the parties on a bilateral basis can cooperate in the development, deployment, and operation of ballistic missile defenses;

(2) to take the initiative within the North Atlantic Treaty Organization to develop consensus in the Alliance for a timely deployment of effective ballistic missile defenses by the Alliance; and

(3) in the interim, to seek agreement with allies of the United States and selected other states on steps the parties should take, consistent with their national interests, to reduce the risks posed by the threat of limited ballistic missile attacks, such steps to include—

(A) the sharing of early warning information derived from sensors deployed by the United States and other states;

(B) the exchange on a reciprocal basis of technical data and technology to support both joint development programs and the sale and purchase of missile defense systems and components; and

(C) operational level planning to exploit current missile defense capabilities and to help define future requirements.

### SEC. 237. ABM TREATY DEFINED.

For purposes of this subtitle, the term "ABM Treaty" means the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems, and signed at Moscow on May 26, 1972, and includes the Protocols to that Treaty, signed at Moscow on July 3, 1974.

### SEC. 238. REPEAL OF MISSILE DEFENSE ACT OF 1991.

The Missile Defense Act of 1991 (10 U.S.C. 2431 note) is repealed.

## Subtitle D—Other Ballistic Missile Defense Provisions

### SEC. 251. BALLISTIC MISSILE DEFENSE PROGRAM ELEMENTS.

10 USC 221 note.

(a) ELEMENTS SPECIFIED.—In the budget justification materials submitted to Congress in support of the Department of Defense budget for any fiscal year after fiscal year 1996 (as submitted with the budget of the President under section 1105(a) of title 31, United States Code), the amount requested for activities of the Ballistic Missile Defense Organization shall be set forth in accordance with the following program elements:

(1) The Patriot system.

(2) The Navy Lower Tier (Area) system.

(3) The Theater High-Altitude Area Defense (THAAD) system.

(4) The Navy Upper Tier (Theater Wide) system.

(5) The Corps Surface-to-Air Missile (SAM) system.

(6) Other Theater Missile Defense Activities.

(7) National Missile Defense.

(8) Follow-On and Support Technologies.

(b) TREATMENT OF CORE THEATER MISSILE DEFENSE PROGRAMS.—Amounts requested for core theater missile defense programs specified in section 234 shall be specified in individual, dedicated program elements, and amounts appropriated for such programs shall be available only for activities covered by those program elements.

(c) BM/C$^3$I Programs.—Amounts requested for programs, projects, and activities involving battle management, command, control, communications, and intelligence (BM/C$^3$I) shall be included in the “Other Theater Missile Defense Activities” program element or the “National Missile Defense” program element, as determined on the basis of the primary objectives involved.

(d) Management and Support.—Each program element shall include requests for the amounts necessary for the management and support of the programs, projects, and activities contained in that program element.

### SEC. 252. TESTING OF THEATER MISSILE DEFENSE INTERCEPTORS.

Subsection (a) of section 237 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1600) is amended to read as follows:

Certification. “(a) Testing of Theater Missile Defense Interceptors.—(1) The Secretary of Defense may not approve a theater missile defense interceptor program proceeding beyond the low-rate initial production acquisition stage until the Secretary certifies to the congressional defense committees that such program has successfully completed initial operational test and evaluation.

“(2) In order to be certified under paragraph (1) as having been successfully completed, the initial operational test and evaluation conducted with respect to an interceptors program must have included flight tests—

“(A) that were conducted with multiple interceptors and multiple targets in the presence of realistic countermeasures; and

“(B) the results of which demonstrate the achievement by the interceptors of the baseline performance thresholds.

“(3) For purposes of this subsection, the baseline performance thresholds with respect to a program are the weapons systems performance thresholds specified in the baseline description for the system established (pursuant to section 2435(a)(1) of title 10, United States Code) before the program entered the engineering and manufacturing development stage.

“(4) The number of flight tests described in paragraph (2) that are required in order to make the certification under paragraph (1) shall be a number determined by the Secretary of Defense to be sufficient for the purposes of this section.

“(5) The Secretary may augment live-fire testing to demonstrate weapons system performance goals for purposes of the certification under paragraph (1) through the use of modeling and simulation that is validated by ground and flight testing.”.

### SEC. 253. REPEAL OF MISSILE DEFENSE PROVISIONS.

The following provisions of law are repealed:

(1) Section 222 of the Department of Defense Authorization Act, 1986 (Public Law 99–145; 99 Stat. 613; 10 U.S.C. 2431 note).

(2) Section 225 of the Department of Defense Authorization Act, 1986 (Public Law 99–145; 99 Stat. 614).

(3) Section 226 of the National Defense Authorization Ac for Fiscal Years 1988 and 1989 (Public Law 100–180; 101 Stat. 1057; 10 U.S.C. 2431 note).

(4) Section 8123 of the Department of Defense Appropriations Act, 1989 (Public Law 100–463; 102 Stat. 2270–40).

(5) Section 8133 of the Department of Defense Appropriations Act, 1992 (Public Law 102–172; 105 Stat. 1211).

(6) Section 234 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1595; 10 U.S.C. 2431 note).

(7) Section 242 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1603; 10 U.S.C. 2431 note).

(8) Section 235 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2701; 10 U.S.C. 221 note).

(9) Section 2609 of title 10, United States Code.

## Subtitle E—Miscellaneous Reviews, Studies, and Reports

### SEC. 261. PRECISION-GUIDED MUNITIONS.

(a) ANALYSIS REQUIRED.—The Secretary of Defense shall perform an analysis of the full range of precision-guided munitions in production and in research, development, test, and evaluation in order to determine the following:

(1) The numbers and types of precision-guided munitions that are needed to provide complementary capabilities against each target class.

(2) The feasibility of carrying out joint development and procurement of additional types of munitions by more than one of the Armed Forces.

(3) The feasibility of integrating a particular precision-guided munition on multiple service platforms.

(4) The economy and effectiveness of continuing the acquisition of—

(A) interim precision-guided munitions; or

(B) precision-guided munitions that, as a result of being procured in decreasing numbers to meet decreasing quantity requirements, have increased in cost per unit by more than 50 percent over the cost per unit for such munitions as of December 1, 1991.

(b) REPORT.—(1) Not later than April 15, 1996, the Secretary shall submit to Congress a report on the findings and other results of the analysis.

(2) The report shall include a detailed discussion of the process by which the Department of Defense—

(A) approves the development of new precision-guided munitions;

(B) avoids duplication and redundancy in the precision-guided munitions programs of the Army, Navy, Air Force, and Marine Corps;

(C) ensures rationality in the relationship between the funding plans for precision-guided munitions modernization for fiscal years following fiscal year 1996 and the costs of such modernization for those fiscal years; and

(D) identifies by name and function each person responsible for approving each new precision-guided munition for initial low-rate production.

(c) FUNDING LIMITATION.—Funds authorized to be appropriated by this Act may not be expended for research, development, test, and evaluation or procurement of interim precision-guided munitions after April 15, 1996, unless the Secretary of Defense has submitted the report under subsection (b).

(d) INTERIM PRECISION-GUIDED MUNITION DEFINED.—For purposes of subsection (c), a precision-guided munition is an interim precision-guided munition if the munition is being procured in fiscal year 1996, but funding is not proposed for additional procurement of the munition in the fiscal years after fiscal year 1996 that are covered by the future years defense program submitted to Congress in 1995 under section 221(a) of title 10, United States Code.

10 USC 113 note.

### SEC. 262. REVIEW OF $C^4I$ BY NATIONAL RESEARCH COUNCIL.

(a) REVIEW BY NATIONAL RESEARCH COUNCIL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall request the National Research Council of the National Academy of Sciences to conduct a comprehensive review of current and planned service and defense-wide programs for command, control, communications, computers, and intelligence ($C^4I$) with a special focus on cross-service and inter-service issues.

(b) MATTERS TO BE ASSESSED IN REVIEW.—The review shall address the following:

(1) The match between the capabilities provided by current service and defense-wide $C^4I$ programs and the actual needs of users of these programs.

(2) The interoperability of service and defense-wide $C^4I$ systems that are planned to be operational in the future.

(3) The need for an overall defense-wide architecture for $C^4I$.

(4) Proposed strategies for ensuring that future $C^4I$ acquisitions are compatible and interoperable with an overall architecture.

(5) Technological and administrative aspects of the $C^4I$ modernization effort to determine the soundness of the underlying plan and the extent to which it is consistent with concepts for joint military operations in the future.

(c) TWO-YEAR PERIOD FOR CONDUCTING REVIEW.—The review shall be conducted over the two-year period beginning on the date on which the National Research Council and the Secretary of Defense enter into a contract or other agreement for the conduct of the review.

(d) REPORTS.—(1) In the contract or other agreement for the conduct of the review, the Secretary of Defense shall provide that the National Research Council shall submit to the Department of Defense and Congress interim reports and progress updates on a regular basis as the review proceeds. A final report on the review shall set forth the findings, conclusions, and recommendations of the Council for defense-wide and service $C^4I$ programs and shall be submitted to the Committee on Armed Services of the Senate, the Committee on National Security of the House of Representatives, and the Secretary of Defense.

(2) To the maximum degree possible, the final report shall be submitted in unclassified form with classified annexes as necessary.

(e) INTERAGENCY COOPERATION WITH STUDY.—All military departments, defense agencies, and other components of the Department of Defense shall cooperate fully with the National Research Council in its activities in carrying out the review under this section.

(f) EXPEDITED PROCESSING OF SECURITY CLEARANCES FOR STUDY.—For the purpose of facilitating the commencement of the study under this section, the Secretary of Defense shall expedite to the fullest degree possible the processing of security clearances that are necessary for the National Research Council to conduct the study.

(g) FUNDING.—Of the amount authorized to be appropriated in section 201 for defense-wide activities, $900,000 shall be available for the study under this section.

### SEC. 263. ANALYSIS OF CONSOLIDATION OF BASIC RESEARCH ACCOUNTS OF MILITARY DEPARTMENTS.

(a) ANALYSIS REQUIRED.—The Secretary of Defense shall conduct an analysis of the cost and effectiveness of consolidating the basic research accounts of the military departments. The analysis shall determine potential infrastructure savings and other benefits of co-locating and consolidating the management of basic research.

(b) DEADLINE.—On or before March 1, 1996, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the analysis conducted under subsection (a).

### SEC. 264. CHANGE IN REPORTING PERIOD FROM CALENDAR YEAR TO FISCAL YEAR FOR ANNUAL REPORT ON CERTAIN CONTRACTS TO COLLEGES AND UNIVERSITIES.

Section 2361(c)(2) of title 10, United States Code, is amended—

(1) by striking out “calendar year” and inserting in lieu thereof “fiscal year”; and

(2) by striking out “the year after the year” and inserting in lieu thereof “the fiscal year after the fiscal year”.

### SEC. 265. AERONAUTICAL RESEARCH AND TEST CAPABILITIES ASSESSMENT.

(a) FINDINGS.—Congress finds the following:

(1) It is in the Nation’s long-term national security interests for the United States to maintain preeminence in the area of aeronautical research and test capabilities.

(2) Continued advances in aeronautical science and engineering are critical to sustaining the strategic and tactical air superiority of the United States and coalition forces, as well as United States economic security and international aerospace leadership.

(3) It is in the national security and economic interests of the United States and the budgetary interests of the Department of Defense for the department to encourage the establishment of active partnerships between the department and other Government agencies, academic institutions, and private industry to develop, maintain, and enhance aeronautical research and test capabilities.

(b) REVIEW.—The Secretary of Defense shall conduct a comprehensive review of the aeronautical research and test facilities and capabilities of the United States in order to assess the current condition of such facilities and capabilities.

(c) REPORT.—(1) Not later than March 1, 1996, the Secretary of Defense shall submit to the congressional defense committees a report setting forth in detail the findings of the review required by subsection (b).

(2) The report shall include the following:

(A) The options for providing affordable, operable, reliable, and responsive long-term aeronautical research and test capabilities for military and civilian purposes and for the organization and conduct of such capabilities within the Department or through shared operations with other Government agencies, academic institutions, and private industry.

(B) The projected costs of such options, including costs of acquisition and technical and financial arrangements (including the use of Government facilities for reimbursable private use).

(C) Recommendations on the most efficient and economic means of developing, maintaining, and continually modernizing aeronautical research and test capabilities to meet current, planned, and prospective military and civilian needs.

## Subtitle F—Other Matters

### SEC. 271. ADVANCED LITHOGRAPHY PROGRAM.

Section 216 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2693) is amended—

(1) in subsection (a), by striking out "to help achieve" and all that follows through the end of the subsection and inserting in lieu thereof "to ensure that lithographic processes being developed by United States-owned companies or United States-incorporated companies operating in the United States will lead to superior performance electronics systems for the Department of Defense.";

(2) in subsection (b), by adding at the end the following new paragraph:

"(3) The Director of the Defense Advanced Research Projects Agency may set priorities and funding levels for various technologies being developed for the ALP and shall consider funding recommendations made by the Semiconductor Industry Association as being advisory in nature.";

(3) in subsection (c)—

(A) by inserting "Defense" before "Advanced"; and

(B) by striking out "ARPA" both places it appears and inserting in lieu thereof "DARPA"; and

(4) by adding at the end the following:

"(d) DEFINITIONS.—In this section:

"(1) The term 'United States-owned company' means a company the majority ownership or control of which is held by citizens of the United States.

"(2) The term 'United States-incorporated company' means a company that the Secretary of Defense finds is incorporated in the United States and has a parent company that is incorporated in a country—

"(A) that affords to United States-owned companies opportunities, comparable to those afforded to any other company, to participate in any joint venture similar to those authorized under section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n);

"(B) that affords to United States-owned companies local investment opportunities comparable to those afforded to any other company; and

"(C) that affords adequate and effective protection for the intellectual property rights of United States-owned companies.".

### SEC. 272. ENHANCED FIBER OPTIC GUIDED MISSILE (EFOG–M) SYSTEM.

(a) LIMITATIONS.—(1) The Secretary of the Army may not obligate more than $280,000,000 (based on fiscal year 1995 constant dollars) to develop and deliver for test and evaluation by the Army the following items:

(A) 44 enhanced fiber optic guided test missiles.

(B) 256 fully operational enhanced fiber optic guided missiles.

(C) 12 fully operational fire units.

(2) The Secretary of the Army may not spend funds for the enhanced fiber optic guided missile (EFOG–M) system after September 30, 1998, if the items described in paragraph (1) have not been delivered to the Army by that date and at a cost not greater than the amount set forth in paragraph (1).

(3) The Secretary of the Army may not enter into an advanced development phase for the EFOG–M system unless—

(A) an advanced concept technology demonstration of the system has been successfully completed; and

(B) the Secretary certifies to the congressional defense committees that there is a requirement for the EFOG–M system that is supported by a cost and operational effectiveness analysis.

(b) GOVERNMENT-FURNISHED EQUIPMENT.—The Secretary of the Army shall ensure that all Government-furnished equipment that the Army agrees to provide under the contract for the EFOG–M system is provided to the prime contractor in accordance with the terms of the contract.

### SEC. 273. STATES ELIGIBLE FOR ASSISTANCE UNDER DEFENSE EXPERIMENTAL PROGRAM TO STIMULATE COMPETITIVE RESEARCH.

Subparagraph (A) of section 257(d)(2) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2705; 10 U.S.C. 2358 note) is amended to read as follows:

"(A) the average annual amount of all Department of Defense obligations for science and engineering research and development that were in effect with institutions of higher education in the State for the three fiscal years preceding the fiscal year for which the designation is effective or for the last three fiscal years for which statistics are available is less than the amount determined by multiplying 60 percent times the amount equal to 1/50 of the total average annual amount of all Department of Defense obligations for science and engineering research and development that were in effect with institutions of higher education in the United States for such three preceding or last fiscal years, as the case may be (to be determined in consultation with the Secretary of Defense);".

### SEC. 274. CRUISE MISSILE DEFENSE INITIATIVE.

(a) In General.—The Secretary of Defense shall undertake an initiative to coordinate and strengthen the cruise missile defense programs of the Department of Defense to ensure that the United States develops and deploys affordable and operationally effective defenses against existing and future cruise missile threats to United States military forces and operations.

(b) Coordination With Ballistic Missile Defense Efforts.—In carrying out subsection (a), the Secretary shall ensure that, to the extent practicable, the cruise missile defense programs of the Department of Defense and the ballistic missile defense programs of the Department of Defense are coordinated with each other and that those programs are mutually supporting.

(c) Defenses Against Existing and Near-Term Cruise Missile Threats.—As part of the initiative under subsection (a), the Secretary shall ensure that appropriate existing and planned air defense systems are upgraded to provide an affordable and operationally effective defense against existing and near-term cruise missile threats to United States military forces and operations.

(d) Defenses Against Advanced Cruise Missiles.—As part of the initiative under subsection (a), the Secretary shall undertake a well-coordinated development program to support the future deployment of cruise missile defense systems that are affordable and operationally effective against advanced cruise missiles, including cruise missiles with low observable features.

(e) Implementation Plan.—Not later than the date on which the President submits the budget for fiscal year 1997 under section 1105 of title 31, United States Code, the Secretary of Defense shall submit to the congressional defense committees a detailed plan, in unclassified and classified forms, as necessary, for carrying out this section. The plan shall include an assessment of the following:

(1) The systems of the Department of Defense that currently have or could have cruise missile defense capabilities and existing programs of the Department of Defense to improve these capabilities.

(2) The technologies that could be deployed in the near- to mid-term to provide significant advances over existing cruise missile defense capabilities and the investments that would be required to ready those technologies for deployment.

(3) The cost and operational tradeoffs, if any, between (A) upgrading existing air and missile defense systems, and (B) accelerating follow-on systems with significantly improved capabilities against advanced cruise missiles.

(4) The organizational and management changes that would strengthen and further coordinate the cruise missile defense programs of the Department of Defense, including the disadvantages, if any, of implementing such changes.

(f) Definition.—For the purposes of this section, the term “cruise missile defense programs” means the programs, projects, and activities of the military departments, the Advanced Research Projects Agency, and the Ballistic Missile Defense Organization relating to development and deployment of defenses against cruise missiles.

### SEC. 275. MODIFICATION TO UNIVERSITY RESEARCH INITIATIVE SUPPORT PROGRAM.

Section 802 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1701) is amended—

10 USC 2358 note.

(1) in subsections (a) and (b), by striking out "shall" both places it appears and inserting in lieu thereof "may"; and

(2) in subsection (e), by striking out the sentence beginning with "Such selection process".

### SEC. 276. MANUFACTURING TECHNOLOGY PROGRAM.

(a) IN GENERAL.—Section 2525 of title 10, United States Code, is amended as follows:

(1) The heading is amended by striking out the second and third words.

(2) Subsection (a) is amended—

(A) by striking out "Science and"; and

(B) by inserting after the first sentence the following: "The Secretary shall use the joint planning process of the directors of the Department of Defense laboratories in establishing the program.".

(3) Subsection (c) is amended—

(A) by inserting "(1)" after "(c) EXECUTION.—"; and

(B) by adding at the end the following:

"(2) The Secretary shall seek, to the extent practicable, the participation of manufacturers of manufacturing equipment in the projects under the program.".

(4) Subsection (d) is amended—

(A) in paragraph (2)—

(i) by striking out "or" at the end of subparagraph (A);

(ii) by striking out the period at the end of subparagraph (B) and inserting in lieu thereof "; or"; and

(iii) by adding at the end the following new subparagraph:

"(C) will be carried out by an institution of higher education."; and

(B) by adding at the end the following new paragraphs:

"(3) At least 25 percent of the funds available for the program each fiscal year shall be used for awarding grants and entering into contracts, cooperative agreements, and other transactions on a cost-share basis under which the ratio of recipient cost to Government cost is two to one.

"(4) If the requirement of paragraph (3) cannot be met by July 15 of a fiscal year, the Under Secretary of Defense for Acquisition and Technology may waive the requirement and obligate the balance of the funds available for the program for that fiscal year on a cost-share basis under which the ratio of recipient cost to Government cost is less than two to one. Before implementing any such waiver, the Under Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives the reasons for the waiver.".

(b) CLERICAL AMENDMENT.—The item relating to section 2525 in the table of sections at the beginning of subchapter IV of chapter 148 of title 10, United States Code, is amended to read as follows:

"2525. Manufacturing Technology Program.".

### SEC. 277. FIVE-YEAR PLAN FOR CONSOLIDATION OF DEFENSE LABORATORIES AND TEST AND EVALUATION CENTERS.

(a) FIVE-YEAR PLAN.—The Secretary of Defense, acting through the Vice Chief of Staff of the Army, the Vice Chief of Naval Operations, and the Vice Chief of Staff of the Air Force (in their roles as test and evaluation executive agent board of directors) shall develop a five-year plan to consolidate and restructure the laboratories and test and evaluation centers of the Department of Defense.

(b) OBJECTIVE.—The plan shall set forth the specific actions needed to consolidate the laboratories and test and evaluation centers into as few laboratories and centers as is practical and possible, in the judgment of the Secretary, by October 1, 2005.

(c) PREVIOUSLY DEVELOPED DATA REQUIRED TO BE USED.—In developing the plan, the Secretary shall use the following:

(1) Data and results obtained by the Test and Evaluation Joint Cross-Service Group and the Laboratory Joint Cross-Service Group in developing recommendations for the 1995 report of the Defense Base Closure and Realignment Commission.

(2) The report dated March 1994 on the consolidation and streamlining of the test and evaluation infrastructure, commissioned by the test and evaluation board of directors, along with all supporting data and reports.

(d) MATTERS TO BE CONSIDERED.—In developing the plan, the Secretary shall consider, at a minimum, the following:

(1) Consolidation of common support functions, including the following:

(A) Aircraft (fixed wing and rotary) support.

(B) Weapons support.

(C) Space systems support.

(D) Support of command, control, communications, computers, and intelligence.

(2) The extent to which any military construction, acquisition of equipment, or modernization of equipment is planned at the laboratories and centers.

(3) The encroachment on the laboratories and centers by residential and industrial expansion.

(4) The total cost to the Federal Government of continuing to operate the laboratories and centers.

(5) The cost savings and program effectiveness of locating laboratories and centers at the same sites.

(6) Any loss of expertise resulting from the consolidations.

(7) Whether any legislation is neccessary to provide the Secretary with any additional authority necessary to accomplish the downsizing and consolidation of the laboratories and centers.

(e) REPORT.—Not later than May 1, 1996, the Secretary of Defense shall submit to the congressional defense committees a report on the plan. The report shall include an identification of any additional legislation that the Secretary considers necessary in order for the Secretary to accomplish the downsizing and consolidation of the laboratories and centers.

(f) LIMITATION.—Of the amounts appropriated or otherwise made available pursuant to an authorization of appropriations in section 201 for the central test and evaluation investment development program, not more than 75 percent may be obligated before the report required by subsection (e) is submitted to Congress.

### SEC. 278. LIMITATION ON T–38 AVIONICS UPGRADE PROGRAM.

(a) REQUIREMENT.—The Secretary of Defense shall ensure that, in evaluating proposals submitted in response to a solicitation issued for a contract for the T–38 Avionics Upgrade Program, the proposal of an entity may not be considered unless—

(1) in the case of an entity that conducts substantially all of its business in a foreign country, the foreign country provides equal access to similar contract solicitations in that country to United States entities; and

(2) in the case of an entity that conducts business in the United States but that is owned or controlled by a foreign government or by an entity incorporated in a foreign country, the foreign government or foreign country of incorporation provides equal access to similar contract solicitations in that country to United States entities.

(b) DEFINITION.—In this section, the term "United States entity" means an entity that is owned or controlled by persons a majority of whom are United States citizens.

### SEC. 279. GLOBAL POSITIONING SYSTEM.

(a) CONDITIONAL PROHIBITION ON USE OF SELECTIVE AVAILABILITY FEATURE.—Except as provided in subsection (b), after May 1, 1996, the Secretary of Defense may not (through use of the feature known as "selective availability") deny access of non-Department of Defense users to the full capabilities of the Global Positioning System.

(b) PLAN.—Subsection (a) shall cease to apply upon submission by the Secretary of Defense to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives of a plan for enhancement of the Global Positioning System that provides for—

(1) development and acquisition of effective capabilities to deny hostile military forces the ability to use the Global Positioning System without hindering the ability of United States military forces and civil users to have access to and use of the system, together with a specific date by which those capabilities could be operational; and

(2) development and acquisition of receivers for the Global Positioning System and other techniques for weapons and weapon systems that provide substantially improved resistance to jamming and other forms of electronic interference or disruption, together with a specific date by which those receivers and other techniques could be operational with United States military forces.

### SEC. 280. REVISION OF AUTHORITY FOR PROVIDING ARMY SUPPORT FOR THE NATIONAL SCIENCE CENTER FOR COMMUNICATIONS AND ELECTRONICS.

(a) PURPOSE.—Subsection (b)(2) of section 1459 of the Department of Defense Authorization Act, 1986 (Public Law 99–145; 99 Stat. 763) is amended by striking out "to make available" and all that follows and inserting in lieu thereof "to provide for the management, operation, and maintenance of those areas in the national science center that are designated for use by the Army and to provide incidental support for the operation of those areas in the center that are designated for general use.".

(b) AUTHORITY FOR SUPPORT.—Subsection (c) of such section is amended to read as follows:

"(c) NATIONAL SCIENCE CENTER.—(1) The Secretary may manage, operate, and maintain facilities at the center under terms and conditions prescribed by the Secretary for the purpose of conducting educational outreach programs in accordance with chapter 111 of title 10, United States Code.

"(2) The Foundation, or NSC Discovery Center, Incorporated, a nonprofit corporation of the State of Georgia, shall submit to the Secretary for review and approval all matters pertaining to the acquisition, design, renovation, equipping, and furnishing of the center, including all plans, specifications, contracts, sites, and materials for the center.".

(c) AUTHORITY FOR ACCEPTANCE OF GIFTS AND FUNDRAISING.—Subsection (d) of such section is amended to read as follows:

"(d) GIFTS AND FUNDRAISING.—(1) Subject to paragraph (3), the Secretary may accept a conditional or unconditional donation of money or property that is made for the benefit of, or in connection with, the center.

"(2) Notwithstanding any other provision of law, the Secretary may endorse, promote, and assist the efforts of the Foundation and NSC Discovery Center, Incorporated, to obtain—

"(A) funds for the management, operation, and maintenance of the center; and

"(B) donations of exhibits, equipment, and other property for use in the center.

"(3) The Secretary may not accept a donation under this subsection that is made subject to—

"(A) any condition that is inconsistent with an applicable law or regulation; or

"(B) except to the extent provided in appropriations Acts, any condition that would necessitate an expenditure of appropriated funds.

Regulations.

"(4) The Secretary shall prescribe in regulations the criteria to be used in determining whether to accept a donation. The Secretary shall include criteria to ensure that acceptance of a donation does not establish an unfavorable appearance regarding the fairness and objectivity with which the Secretary or any other officer or employee of the Department of Defense performs official responsibilities and does not compromise or appear to compromise the integrity of a Government program or any official involved in that program.".

(d) AUTHORIZED USES.—Such section is amended—

(1) by striking out subsection (f);

(2) by redesignating subsection (g) as subsection (f); and

(3) in paragraph (1) of subsection (f), as redesignated by paragraph (2), by inserting "areas designated for use by the Army in" after "The Secretary may make".

(e) ALTERNATIVE OF ADDITIONAL DEVELOPMENT AND MANAGEMENT.—Such section, as amended by subsection (d), is further amended by adding at the end the following:

"(g) ALTERNATIVE OR ADDITIONAL DEVELOPMENT AND MANAGEMENT OF THE CENTER.—(1) The Secretary may enter into an agreement with NSC Discovery Center, Incorporated, to develop, manage, and maintain a national science center under this section. In entering into an agreement with NSC Discovery Center, Incorporated, the Secretary may agree to any term or condition to which the Secretary is authorized under this section to agree for purposes of entering into an agreement with the Foundation.

"(2) The Secretary may exercise the authority under paragraph (1) in addition to, or instead of, exercising the authority provided under this section to enter into an agreement with the Foundation.".

# TITLE III—OPERATION AND MAINTENANCE

## Subtitle A—Authorization of Appropriations

### SEC. 301. OPERATION AND MAINTENANCE FUNDING.

Funds are hereby authorized to be appropriated for fiscal year 1996 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $18,746,695,000.
(2) For the Navy, $21,493,155,000.
(3) For the Marine Corps, $2,521,822,000.
(4) For the Air Force, $18,719,277,000.
(5) For Defense-wide activities, $9,910,476,000.
(6) For the Army Reserve, $1,129,191,000.
(7) For the Naval Reserve, $868,342,000.
(8) For the Marine Corps Reserve, $100,283,000.
(9) For the Air Force Reserve, $1,516,287,000.
(10) For the Army National Guard, $2,361,808,000.
(11) For the Air National Guard, $2,760,121,000.
(12) For the Defense Inspector General, $138,226,000.
(13) For the United States Court of Appeals for the Armed Forces, $6,521,000.
(14) For Environmental Restoration, Defense, $1,422,200,000.
(15) For Drug Interdiction and Counter-drug Activities, Defense-wide, $680,432,000.
(16) For Medical Programs, Defense, $9,876,525,000.
(17) For support for the 1996 Summer Olympics, $15,000,000.
(18) For Cooperative Threat Reduction programs, $300,000,000.
(19) For Overseas Humanitarian, Disaster, and Civic Aid programs, $50,000,000.

### SEC. 302. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 1996 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in amounts as follows:

(1) For the Defense Business Operations Fund, $878,700,000.
(2) For the National Defense Sealift Fund, $1,024,220,000.

### SEC. 303. ARMED FORCES RETIREMENT HOME.

There is hereby authorized to be appropriated for fiscal year 1996 from the Armed Forces Retirement Home Trust Fund the sum of $59,120,000 for the operation of the Armed Forces Retirement Home, including the United States Soldiers' and Airmen's Home and the Naval Home.

### SEC. 304. TRANSFER FROM NATIONAL DEFENSE STOCKPILE TRANSACTION FUND.

(a) TRANSFER AUTHORITY.—To the extent provided in appropriations Acts, not more than $150,000,000 is authorized to be transferred from the National Defense Stockpile Transaction Fund to operation and maintenance accounts for fiscal year 1996 in amounts as follows:

(1) For the Army, $50,000,000.

(2) For the Navy, $50,000,000.

(3) For the Air Force, $50,000,000.

(b) TREATMENT OF TRANSFERS.—Amounts transferred under this section—

(1) shall be merged with, and be available for the same purposes and the same period as, the amounts in the accounts to which transferred; and

(2) may not be expended for an item that has been denied authorization of appropriations by Congress.

(c) RELATIONSHIP TO OTHER TRANSFER AUTHORITY.—The transfer authority provided in this section is in addition to the transfer authority provided in section 1001.

### SEC. 305. CIVIL AIR PATROL.

Of the amounts authorized to be appropriated pursuant to this Act, there shall be made available to the Civil Air Patrol $24,500,000, of which $14,704,000 shall be made available for the Civil Air Patrol Corporation.

## Subtitle B—Depot-Level Activities

10 USC 2464 note.

### SEC. 311. POLICY REGARDING PERFORMANCE OF DEPOT-LEVEL MAINTENANCE AND REPAIR FOR THE DEPARTMENT OF DEFENSE.

(a) FINDINGS.—Congress makes the following findings:

(1) The Department of Defense does not have a comprehensive policy regarding the performance of depot-level maintenance and repair of military equipment.

(2) The absence of such a policy has caused the Congress to establish guidelines for the performance of such functions.

(3) It is essential to the national security of the United States that the Department of Defense maintain an organic capability within the department, including skilled personnel, technical competencies, equipment, and facilities, to perform depot-level maintenance and repair of military equipment in order to ensure that the Armed Forces of the United States are able to meet training, operational, mobilization, and emergency requirements without impediment.

(4) The organic capability of the Department of Defense to perform depot-level maintenance and repair of military equipment must satisfy known and anticipated core mainte-

nance and repair requirements across the full range of peacetime and wartime scenarios.

(5) Although it is possible that savings can be achieved by contracting with private-sector sources for the performance of some work currently performed by Department of Defense depots, the Department of Defense has not determined the type or amount of work that should be performed under contract with private-sector sources nor the relative costs and benefits of contracting for the performance of such work by those sources.

(b) SENSE OF CONGRESS.—It is the sense of Congress that there is a compelling need for the Department of Defense to articulate known and anticipated core maintenance and repair requirements, to organize the resources of the Department of Defense to meet those requirements economically and efficiently, and to determine what work should be performed by the private sector and how such work should be managed.

Reports.

(c) REQUIREMENT FOR POLICY.—Not later than March 31, 1996, the Secretary of Defense shall develop and report to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a comprehensive policy on the performance of depot-level maintenance and repair for the Department of Defense that maintains the capability described in section 2464 of title 10, United States Code.

(d) CONTENT OF POLICY.—In developing the policy, the Secretary of Defense shall do each of the following:

(1) Identify for each military department, with the concurrence of the Secretary of that military department, those depot-level maintenance and repair activities that are necessary to ensure the depot-level maintenance and repair capability as required by section 2464 of title 10, United States Code.

(2) Provide for performance of core depot-level maintenance and repair capabilities in facilities owned and operated by the United States.

(3) Provide for the core capabilities to include sufficient skilled personnel, equipment, and facilities that—

(A) is of the proper size (i) to ensure a ready and controlled source of technical competence and repair and maintenance capability necessary to meet the requirements of the National Military Strategy and other requirements for responding to mobilizations and military contingencies, and (ii) to provide for rapid augmentation in time of emergency; and

(B) is assigned sufficient workload to ensure cost efficiency and technical proficiency in time of peace.

(4) Address environmental liability.

(5) In the case of depot-level maintenance and repair workloads in excess of the workload required to be performed by Department of Defense depots, provide for competition for those workloads between public and private entities when there is sufficient potential for realizing cost savings based on adequate private-sector competition and technical capabilities.

(6) Address issues concerning exchange of technical data between the Federal Government and the private sector.

(7) Provide for, in the Secretary's discretion and after consultation with the Secretaries of the military departments, the transfer from one military department to another, in accord-

ance with merit-based selection processes, workload that supports the core depot-level maintenance and repair capabilities in facilities owned and operated by the United States.

(8) Require that, in any competition for a workload (whether among private-sector sources or between depot-level activities of the Department of Defense and private-sector sources), bids are evaluated under a methodology that ensures that appropriate costs to the Government and the private sector are identified.

(9) Provide for the performance of maintenance and repair for any new weapons systems defined as core, under section 2464 of title 10, United States Code, in facilities owned and operated by the United States.

(e) CONSIDERATIONS.—In developing the policy, the Secretary shall take into consideration the following matters:

(1) The national security interests of the United States.

(2) The capabilities of the public depots and the capabilities of businesses in the private sector to perform the maintenance and repair work required by the Department of Defense.

(3) Any applicable recommendations of the Defense Base Closure and Realignment Commission that are required to be implemented under the Defense Base Closure and Realignment Act of 1990.

(4) The extent to which the readiness of the Armed Forces would be affected by a necessity to construct new facilities to accommodate any redistribution of depot-level maintenance and repair workloads that is made in accordance with the recommendation of the Defense Base Closure and Realignment Commission, under the Defense Base Closure and Realignment Act of 1990, that such workloads be consolidated at Department of Defense depots or private-sector facilities.

(5) Analyses of costs and benefits of alternatives, including a comparative analysis of—

(A) the costs and benefits, including any readiness implications, of any proposed policy to convert to contractor performance of depot-level maintenance and repair workloads where the workload is being performed by Department of Defense personnel; and

(B) the costs and benefits, including any readiness implications, of a policy to transfer depot-level maintenance and repair workloads among depots.

(f) REPEAL OF 60/40 REQUIREMENT AND REQUIREMENT RELATING TO COMPETITION.—(1) Sections 2466 and 2469 of title 10, United States Code, are repealed.

(2) The table of sections at the beginning of chapter 146 o such title is amended by striking out the items relating to sections 2466 and 2469.

Effective date.

(3) The amendments made by paragraphs (1) and (2) shal take effect on the date (after the date of the enactment of this Act) on which legislation is enacted that contains a provision tha specifically states one of the following:

(A) "The policy on the performance of depot-level maintenance and repair for the Department of Defense that was submitted by the Secretary of Defense to the Committee on Armed Services of the Senate and the Committee on Nationa Security of the House of Representatives pursuant to section

311 of the National Defense Authorization Act for Fiscal Year 1996 is approved."; or

(B) "The policy on the performance of depot-level maintenance and repair for the Department of Defense that was submitted by the Secretary of Defense to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives pursuant to section 311 of the National Defense Authorization Act for Fiscal Year 1996 is approved with the following modifications:" (with the modifications being stated in matter appearing after the colon).

(g) ANNUAL REPORT.—If legislation referred to in subsection (f)(3) is enacted, the Secretary of Defense shall, not later than March 1 of each year (beginning with the year after the year in which such legislation is enacted), submit to Congress a report that—

(1) specifies depot maintenance core capability requirements determined in accordance with the procedures established to comply with the policy prescribed pursuant to subsections (d)(2) and (d)(3);

(2) specifies the planned amount of workload to be accomplished by the depot-level activities of each military department in support of those requirements for the following fiscal year; and

(3) identifies the planned amount of workload, which—

(A) shall be measured by direct labor hours and by amounts to be expended; and

(B) shall be shown separately for each commodity group.

(h) REVIEW BY GENERAL ACCOUNTING OFFICE.—(1) The Secretary shall make available to the Comptroller General of the United States all information used by the Department of Defense in developing the policy under subsections (c) through (e) of this section.

Reports.

(2) Not later than 45 days after the date on which the Secretary submits to Congress the report required by subsection (c), the Comptroller General shall transmit to Congress a report containing a detailed analysis of the Secretary's proposed policy as reported under such subsection.

(i) REPORT ON DEPOT-LEVEL MAINTENANCE AND REPAIR WORKLOAD.—Not later than March 31, 1996, the Secretary of Defense shall submit to Congress a report on the depot-level maintenance and repair workload of the Department of Defense. The report shall, to the maximum extent practicable, include the following:

(1) An analysis of the need for and effect of the requirement under section 2466 of title 10, United States Code, that no more than 40 percent of the depot-level maintenance and repair work of the Department of Defense be contracted for performance by non-Government personnel, including a description of the effect on military readiness and the national security resulting from that requirement and a description of any specific difficulties experienced by the Department of Defense as a result of that requirement.

(2) An analysis of the distribution during the five fiscal years ending with fiscal year 1995 of the depot-level maintenance and repair workload of the Department of Defense between depot-level activities of the Department of Defense and non-Government personnel, measured by direct labor hours

and by amounts expended, and displayed, for that five-year period and for each year of that period, so as to show (for each military department (and separately for the Navy and Marine Corps)) such distribution.

(3) A projection of the distribution during the five fiscal years beginning with fiscal year 1997 of the depot-level maintenance and repair workload of the Department of Defense between depot-level activities of the Department of Defense and non-Government personnel, measured by direct labor hours and by amounts expended, and displayed, for that five-year period and for each year of that period, so as to show (for each military department (and separately for the Navy and Marine Corps)) such distribution that would be accomplished under a new policy as required under subsection (c).

(j) OTHER REVIEW BY GENERAL ACCOUNTING OFFICE.—(1) The Comptroller General of the United States shall conduct an independent audit of the findings of the Secretary of Defense in the report under subsection (i). The Secretary of Defense shall provide to the Comptroller General for such purpose all information used by the Secretary in preparing such report.

Reports.

(2) Not later than 45 days after the date on which the Secretary of Defense submits to Congress the report required under subsection (i), the Comptroller General shall transmit to Congress a report containing a detailed analysis of the report submitted under that subsection.

### SEC. 312. MANAGEMENT OF DEPOT EMPLOYEES.

(a) DEPOT EMPLOYEES.—Chapter 146 of title 10, United States Code, is amended by adding at the end the following new section:

### “§ 2472. Management of depot employees

“(b) ANNUAL REPORT.—Not later than December 1 of each fiscal year, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the number of employees employed and expected to be employed by the Department of Defense during that fiscal year to perform depot-level maintenance and repair of materiel. The report shall indicate whether that number is sufficient to perform the depot-level maintenance and repair functions for which funds are expected to be provided for that fiscal year for performance by Department of Defense employees.”.

(b) TRANSFER OF SUBSECTION.—Subsection (b) of section 2466 of title 10, United States Code, is transferred to section 2472 of such title, as added by subsection (a), redesignated as subsection (a), and inserted after the section heading.

10 USC 2472 note.

(c) SUBMISSION OF INITIAL REPORT.—The report under subsection (b) of section 2472 of title 10, United States Code, as added by subsection (a), for fiscal year 1996 shall be submitted not later than March 15, 1996 (notwithstanding the date specified in such subsection).

(d) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2472. Management of depot employees.".

### SEC. 313. EXTENSION OF AUTHORITY FOR AVIATION DEPOTS AND NAVAL SHIPYARDS TO ENGAGE IN DEFENSE-RELATED PRODUCTION AND SERVICES.

Section 1425(e) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1684) is amended by striking out "September 30, 1995" and inserting in lieu thereof "September 30, 1996".

### SEC. 314. MODIFICATION OF NOTIFICATION REQUIREMENT REGARDING USE OF CORE LOGISTICS FUNCTIONS WAIVER.

Section 2464(b) of title 10, United States Code, is amended by striking out paragraphs (3) and (4) and inserting in lieu thereof the following new paragraph:

"(3) A waiver under paragraph (2) may not take effect until the end of the 30-day period beginning on the date on which the Secretary submits a report on the waiver to the Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on National Security and the Committee on Appropriations of the House of Representatives.".

## Subtitle C—Environmental Provisions

### SEC. 321. REVISION OF REQUIREMENTS FOR AGREEMENTS FOR SERVICES UNDER ENVIRONMENTAL RESTORATION PROGRAM.

(a) REQUIREMENTS.—(1) Section 2701(d) of title 10, United States Code, is amended to read as follows:

"(d) SERVICES OF OTHER AGENCIES.—

"(1) IN GENERAL.—Subject to paragraph (2), the Secretary may enter into agreements on a reimbursable or other basis with any other Federal agency, or with any State or local government agency, to obtain the services of the agency to assist the Secretary in carrying out any of the Secretary's responsibilities under this section. Services which may be obtained under this subsection include the identification, investigation, and cleanup of any off-site contamination resulting from the release of a hazardous substance or waste at a facility under the Secretary's jurisdiction.

"(2) LIMITATION ON REIMBURSABLE AGREEMENTS.—An agreement with an agency under paragraph (1) may not provide for reimbursement of the agency for regulatory enforcement activities.".

10 USC 2701 note.

(2)(A) Except as provided in subparagraph (B), the total amount of funds available for reimbursements under agreements entered into under section 2710(d) of title 10, United States Code, as amended by paragraph (1), in fiscal year 1996 may not exceed $10,000,000.

(B) The Secretary of Defense may pay in fiscal year 1996 an amount for reimbursements under agreements referred to in subparagraph (A) in excess of the amount specified in that subparagraph for that fiscal year if—

Certification.

(i) the Secretary certifies to Congress that the payment of the amount under this subparagraph is essential for the management of the Defense Environmental Restoration Program under chapter 160 of title 10, United States Code; and

(ii) a period of 60 days has expired after the date on which the certification is received by Congress.

10 USC 2706 note.

(b) REPORT ON SERVICES OBTAINED.—The Secretary of Defense shall include in the report submitted to Congress with respect to fiscal year 1998 under section 2706(a) of title 10, United States Code, information on the services, if any, obtained by the Secretary during fiscal year 1996 pursuant to each agreement on a reimbursable basis entered into with a State or local government agency under section 2701(d) of title 10, United States Code, as amended by subsection (a). The information shall include a description of the services obtained under each agreement and the amount of the reimbursement provided for the services.

### SEC. 322. ADDITION OF AMOUNTS CREDITABLE TO DEFENSE ENVIRONMENTAL RESTORATION ACCOUNT.

Section 2703(e) of title 10, United States Code, is amended to read as follows:

"(e) AMOUNTS RECOVERED.—The following amounts shall be credited to the transfer account:

"(1) Amounts recovered under CERCLA for response actions of the Secretary.

"(2) Any other amounts recovered by the Secretary or the Secretary of the military department concerned from a contractor, insurer, surety, or other person to reimburse the Department of Defense for any expenditure for environmental response activities.".

### SEC. 323. USE OF DEFENSE ENVIRONMENTAL RESTORATION ACCOUNT.

(a) GOAL FOR CERTAIN DERA EXPENDITURES.—It shall be the goal of the Secretary of Defense to limit, by the end of fiscal year 1997, spending for administration, support, studies, and investigations associated with the Defense Environmental Restoration Account to 20 percent of the total funding for that account.

(b) REPORT.—Not later than April 1, 1996, the Secretary shall submit to Congress a report that contains specific, detailed information on—

(1) the extent to which the Secretary has attained the goal described in subsection (a) as of the date of the submission of the report; and

(2) if the Secretary has not attained such goal by such date, the actions the Secretary plans to take to attain the goal.

### SEC. 324. REVISION OF AUTHORITIES RELATING TO RESTORATION ADVISORY BOARDS.

(a) REGULATIONS.—Paragraph (2) of subsection (d) of section 2705 of title 10, United States Code, is amended to read as follows:

"(2)(A) The Secretary shall prescribe regulations regarding the establishment, characteristics, composition, and funding of restoration advisory boards pursuant to this subsection.

"(B) The issuance of regulations under subparagraph (A) shall not be a precondition to the establishment of restoration advisory boards under this subsection.".

(b) FUNDING FOR ADMINISTRATIVE EXPENSES.—Paragraph (3) of such subsection is amended to read as follows:

"(3) The Secretary may authorize the commander of an installation (or, if there is no such commander, an appropriate official of the Department of Defense designated by the Secretary) to pay routine administrative expenses of a restoration advisory board established for that installation. Such payments shall be made from funds available under subsection (g).".

(c) TECHNICAL ASSISTANCE.—Such section is further amended by striking out subsection (e) and inserting in lieu thereof the following new subsection (e):

"(e) TECHNICAL ASSISTANCE.—(1) The Secretary may, upon the request of the technical review committee or restoration advisory board for an installation, authorize the commander of the installation (or, if there is no such commander, an appropriate official of the Department of Defense designated by the Secretary) to obtain for the committee or advisory board, as the case may be, from private sector sources technical assistance for interpreting scientific and engineering issues with regard to the nature of environmental hazards at the installation and the restoration activities conducted, or proposed to be conducted, at the installation. The commander of an installation (or, if there is no such commander, an appropriate official of the Department of Defense designated by the Secretary) shall use funds made available under subsection (g) for obtaining assistance under this paragraph.

"(2) The commander of an installation (or, if there is no such commander, an appropriate official of the Department of Defense designated by the Secretary) may obtain technical assistance under paragraph (1) for a technical review committee or restoration advisory board only if—

"(A) the technical review committee or restoration advisory board demonstrates that the Federal, State, and local agencies responsible for overseeing environmental restoration at the installation, and available Department of Defense personnel, do not have the technical expertise necessary for achieving the objective for which the technical assistance is to be obtained; or

"(B) the technical assistance—

"(i) is likely to contribute to the efficiency, effectiveness, or timeliness of environmental restoration activities at the installation; and

"(ii) is likely to contribute to community acceptance of environmental restoration activities at the installation.".

(d) FUNDING.—(1) Such section is further amended by adding at the end the following new subsection:

"(g) FUNDING.—The Secretary shall, to the extent provided in appropriations Acts, make funds available for administrative expenses and technical assistance under this section using funds in the following accounts:

"(1) In the case of a military installation not approved for closure pursuant to a base closure law, the Defense Environmental Restoration Account established under section 2703(a) of this title.

"(2) In the case of an installation approved for closure pursuant to such a law, the Department of Defense Base Closure Account 1990 established under section 2906(a) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).".

10 USC 2705 note.

(2)(A) Subject to subparagraph (B), the total amount of funds made available under section 2705(g) of title 10, United States Code, as added by paragraph (1), for fiscal year 1996 may not exceed $6,000,000.

(B) Amounts may not be made available under subsection (g) of such section 2705 after September 15, 1996, unless the Secretary of Defense publishes proposed final or interim final regulations required under subsection (d) of such section, as amended by subsection (a).

(e) DEFINITION.—Such section is further amended by adding after subsection (g) (as added by subsection (d)) the following new subsection:

"(h) DEFINITION.—In this section, the term 'base closure law' means the following:

"(1) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note).

"(2) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

"(3) Section 2687 of this title.".

(f) REPORTS ON ACTIVITIES OF TECHNICAL REVIEW COMMITTEES AND RESTORATION ADVISORY BOARDS.—Section 2706(a)(2) of title 10, United States Code, is amended by adding at the end the following:

"(J) A statement of the activities, if any, including expenditures for administrative expenses and technical assistance under section 2705 of this title, of the technical review committee or restoration advisory board established for the installation under such section during the preceding fiscal year.".

## SEC. 325. DISCHARGES FROM VESSELS OF THE ARMED FORCES.

33 USC 1322 note.

(a) PURPOSES.—The purposes of this section are to—

(1) enhance the operational flexibility of vessels of the Armed Forces domestically and internationally;

(2) stimulate the development of innovative vessel pollution control technology; and

(3) advance the development by the United States Navy of environmentally sound ships.

(b) UNIFORM NATIONAL DISCHARGE STANDARDS DEVELOPMENT.—Section 312 of the Federal Water Pollution Control Act (33 U.S.C. 1322) is amended by adding at the end the following:

"(n) UNIFORM NATIONAL DISCHARGE STANDARDS FOR VESSELS OF THE ARMED FORCES.—

"(1) APPLICABILITY.—This subsection shall apply to vessels of the Armed Forces and discharges, other than sewage, incidental to the normal operation of a vessel of the Armed Forces, unless the Secretary of Defense finds that compliance with this subsection would not be in the national security interests of the United States.

"(2) DETERMINATION OF DISCHARGES REQUIRED TO BE CONTROLLED BY MARINE POLLUTION CONTROL DEVICES.—

"(A) IN GENERAL.—The Administrator and the Secretary of Defense, after consultation with the Secretary of the department in which the Coast Guard is operating, the Secretary of Commerce, and interested States, shall jointly determine the discharges incidental to the normal operation of a vessel of the Armed Forces for which it is reasonable and practicable to require use of a marine pollution control device to mitigate adverse impacts on the marine environment. Notwithstanding subsection (a)(1) of section 553 of title 5, United States Code, the Administrator and the Secretary of Defense shall promulgate the determinations in accordance with such section. The Secretary of Defense shall require the use of a marine pollution control device on board a vessel of the Armed Forces in any case in which it is determined that the use of such a device is reasonable and practicable.

"(B) CONSIDERATIONS.—In making a determination under subparagraph (A), the Administrator and the Secretary of Defense shall take into consideration—

"(i) the nature of the discharge;

"(ii) the environmental effects of the discharge;

"(iii) the practicability of using the marine pollution control device;

"(iv) the effect that installation or use of the marine pollution control device would have on the operation or operational capability of the vessel;

"(v) applicable United States law;

"(vi) applicable international standards; and

"(vii) the economic costs of the installation and use of the marine pollution control device.

"(3) PERFORMANCE STANDARDS FOR MARINE POLLUTION CONTROL DEVICES.—

"(A) IN GENERAL.—For each discharge for which a marine pollution control device is determined to be required under paragraph (2), the Administrator and the Secretary of Defense, in consultation with the Secretary of the department in which the Coast Guard is operating, the Secretary of State, the Secretary of Commerce, other interested Federal agencies, and interested States, shall jointly promulgate Federal standards of performance for each marine pollution control device required with respect to the discharge. Notwithstanding subsection (a)(1) of section 553 of title 5, United States Code, the Administrator and the Secretary of Defense shall promulgate the standards in accordance with such section.

"(B) CONSIDERATIONS.—In promulgating standards under this paragraph, the Administrator and the Secretary of Defense shall take into consideration the matters set forth in paragraph (2)(B).

"(C) CLASSES, TYPES, AND SIZES OF VESSELS.—The standards promulgated under this paragraph may—

"(i) distinguish among classes, types, and sizes of vessels;

"(ii) distinguish between new and existing vessels; and

"(iii) provide for a waiver of the applicability of the standards as necessary or appropriate to a particular class, type, age, or size of vessel.

"(4) REGULATIONS FOR USE OF MARINE POLLUTION CONTROL DEVICES.—The Secretary of Defense, after consultation with the Administrator and the Secretary of the department in which the Coast Guard is operating, shall promulgate such regulations governing the design, construction, installation, and use of marine pollution control devices on board vessels of the Armed Forces as are necessary to achieve the standards promulgated under paragraph (3).

"(5) DEADLINES; EFFECTIVE DATE.—

"(A) DETERMINATIONS.—The Administrator and the Secretary of Defense shall—

"(i) make the initial determinations under paragraph (2) not later than 2 years after the date of the enactment of this subsection; and

"(ii) every 5 years—

"(I) review the determinations; and

"(II) if necessary, revise the determinations based on significant new information.

"(B) STANDARDS.—The Administrator and the Secretary of Defense shall—

"(i) promulgate standards of performance for a marine pollution control device under paragraph (3) not later than 2 years after the date of a determination under paragraph (2) that the marine pollution control device is required; and

"(ii) every 5 years—

"(I) review the standards; and

"(II) if necessary, revise the standards, consistent with paragraph (3)(B) and based on significant new information.

"(C) REGULATIONS.—The Secretary of Defense shall promulgate regulations with respect to a marine pollution control device under paragraph (4) as soon as practicable after the Administrator and the Secretary of Defense promulgate standards with respect to the device under paragraph (3), but not later than 1 year after the Administrator and the Secretary of Defense promulgate the standards. The regulations promulgated by the Secretary of Defense under paragraph (4) shall become effective upon promulgation unless another effective date is specified in the regulations.

"(D) PETITION FOR REVIEW.—The Governor of any State may submit a petition requesting that the Secretary of Defense and the Administrator review a determination under paragraph (2) or a standard under paragraph (3), if there is significant new information, not considered previously, that could reasonably result in a change to the particular determination or standard after consideration of the matters set forth in paragraph (2)(B). The petition shall be accompanied by the scientific and technical information on which the petition is based. The Administrator and the Secretary of Defense shall grant or deny the petition not later than 2 years after the date of receipt of the petition.

"(6) EFFECT ON OTHER LAWS.—

"(A) PROHIBITION ON REGULATION BY STATES OR POLITICAL SUBDIVISIONS OF STATES.—Beginning on the effective date of—

"(i) a determination under paragraph (2) that it is not reasonable and practicable to require use of a marine pollution control device regarding a particular discharge incidental to the normal operation of a vessel of the Armed Forces; or

“(ii) regulations promulgated by the Secretary of Defense under paragraph (4);

except as provided in paragraph (7), neither a State nor a political subdivision of a State may adopt or enforce any statute or regulation of the State or political subdivision with respect to the discharge or the design, construction, installation, or use of any marine pollution control device required to control discharges from a vessel of the Armed Forces.

“(B) Federal laws.—This subsection shall not affect the application of section 311 to discharges incidental to the normal operation of a vessel.

“(7) Establishment of state no-discharge zones.—

“(A) State prohibition.—

“(i) In general.—After the effective date of—

“(I) a determination under paragraph (2) that it is not reasonable and practicable to require use of a marine pollution control device regarding a particular discharge incidental to the normal operation of a vessel of the Armed Forces; or

“(II) regulations promulgated by the Secretary of Defense under paragraph (4);

if a State determines that the protection and enhancement of the quality of some or all of the waters within the State require greater environmental protection, the State may prohibit 1 or more discharges incidental to the normal operation of a vessel, whether treated or not treated, into the waters. No prohibition shall apply until the Administrator makes the determinations described in subclauses (II) and (III) of subparagraph (B)(i).

“(ii) Documentation.—To the extent that a prohibition under this paragraph would apply to vessels of the Armed Forces and not to other types of vessels, the State shall document the technical or environmental basis for the distinction.

“(B) Prohibition by the administrator.—

Regulations.

“(i) In general.—Upon application of a State, the Administrator shall by regulation prohibit the discharge from a vessel of 1 or more discharges incidental to the normal operation of a vessel, whether treated or not treated, into the waters covered by the application if the Administrator determines that—

“(I) the protection and enhancement of the quality of the specified waters within the State require a prohibition of the discharge into the waters;

“(II) adequate facilities for the safe and sanitary removal of the discharge incidental to the normal operation of a vessel are reasonably available for the waters to which the prohibition would apply; and

“(III) the prohibition will not have the effect of discriminating against a vessel of the Armed Forces by reason of the ownership or operation by the Federal Government, or the military function, of the vessel.

"(ii) Approval or disapproval.—The Administrator shall approve or disapprove an application submitted under clause (i) not later than 90 days after the date on which the application is submitted to the Administrator. Notwithstanding clause (i)(II), the Administrator shall not disapprove an application for the sole reason that there are not adequate facilities to remove any discharge incidental to the normal operation of a vessel from vessels of the Armed Forces.

"(C) Applicability to foreign flagged vessels.—A prohibition under this paragraph—

"(i) shall not impose any design, construction, manning, or equipment standard on a foreign flagged vessel engaged in innocent passage unless the prohibition implements a generally accepted international rule or standard; and

"(ii) that relates to the prevention, reduction, and control of pollution shall not apply to a foreign flagged vessel engaged in transit passage unless the prohibition implements an applicable international regulation regarding the discharge of oil, oily waste, or any other noxious substance into the waters.

"(8) Prohibition relating to vessels of the armed forces.—After the effective date of the regulations promulgated by the Secretary of Defense under paragraph (4), it shall be unlawful for any vessel of the Armed Forces subject to the regulations to—

"(A) operate in the navigable waters of the United States or the waters of the contiguous zone, if the vessel is not equipped with any required marine pollution control device meeting standards established under this subsection; or

"(B) discharge overboard any discharge incidental to the normal operation of a vessel in waters with respect to which a prohibition on the discharge has been established under paragraph (7).

"(9) Enforcement.—This subsection shall be enforceable, as provided in subsections (j) and (k), against any agency of the United States responsible for vessels of the Armed Forces notwithstanding any immunity asserted by the agency.".

(c) Conforming Amendments.—

(1) Definitions.—Section 312(a) of the Federal Water Pollution Control Act (33 U.S.C. 1322(a)) is amended—

(A) in paragraph (8)—

(i) by striking "or"; and

(ii) by inserting "or agency of the United States," after "association,";

(B) in paragraph (11), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

"(12) 'discharge incidental to the normal operation of a vessel'—

"(A) means a discharge, including—

"(i) graywater, bilge water, cooling water, weather deck runoff, ballast water, oil water separator effluent, and any other pollutant discharge from the operation of a marine propulsion system, shipboard maneuvering system, crew habitability system, or installed major equipment, such as an aircraft carrier elevator or a catapult, or from a protective, preservative, or absorptive application to the hull of the vessel; and

"(ii) a discharge in connection with the testing, maintenance, and repair of a system described in clause (i) whenever the vessel is waterborne; and

"(B) does not include—

"(i) a discharge of rubbish, trash, garbage, or other such material discharged overboard;

"(ii) an air emission resulting from the operation of a vessel propulsion system, motor driven equipment, or incinerator; or

"(iii) a discharge that is not covered by part 122.3 of title 40, Code of Federal Regulations (as in effect on the date of the enactment of subsection (n));

"(13) 'marine pollution control device' means any equipment or management practice, for installation or use on board a vessel of the Armed Forces, that is—

"(A) designed to receive, retain, treat, control, or discharge a discharge incidental to the normal operation of a vessel; and

"(B) determined by the Administrator and the Secretary of Defense to be the most effective equipment or management practice to reduce the environmental impacts of the discharge consistent with the considerations set forth in subsection (n)(2)(B); and

"(14) 'vessel of the Armed Forces' means—

"(A) any vessel owned or operated by the Department of Defense, other than a time or voyage chartered vessel; and

"(B) any vessel owned or operated by the Department of Transportation that is designated by the Secretary of the department in which the Coast Guard is operating as a vessel equivalent to a vessel described in subparagraph (A).".

(2) ENFORCEMENT.—The first sentence of section 312(j) of the Federal Water Pollution Control Act (33 U.S.C. 1322(j)) is amended—

(A) by striking "of this section or" and inserting a comma; and

(B) by striking "of this section shall" and inserting ", or subsection (n)(8) shall".

(3) OTHER DEFINITIONS.—Subparagraph (A) of the second sentence of section 502(6) of the Federal Water Pollution Control Act (33 U.S.C. 1362(6)) is amended by striking "'sewage from vessels'" and inserting "'sewage from vessels or a discharge incidental to the normal operation of a vessel of the Armed Forces'".

(d) COOPERATION IN STANDARDS DEVELOPMENT.—The Administrator of the Environmental Protection Agency and the Secretary of Defense may, by mutual agreement, with or without reimbursement, provide for the use of information, reports, personnel, or other resources of the Environmental Protection Agency or the Department of Defense to carry out section 312(n) of the Federal 33 USC 1322 note.

Water Pollution Control Act (as added by subsection (b)), including the use of the resources—

(1) to determine—

(A) the nature and environmental effect of discharges incidental to the normal operation of a vessel of the Armed Forces;

(B) the practicability of using marine pollution control devices on vessels of the Armed Forces; and

(C) the effect that installation or use of marine pollution control devices on vessels of the Armed Forces would have on the operation or operational capability of the vessels; and

(2) to establish performance standards for marine pollution control devices on vessels of the Armed Forces.

## Subtitle D—Commissaries and Nonappropriated Fund Instrumentalities

### SEC. 331. OPERATION OF COMMISSARY SYSTEM.

(a) COOPERATION WITH OTHER ENTITIES.—Section 2482 of title 10, United States Code, is amended—

(1) in the section heading, by striking out "**private**";

(2) by inserting "(a) PRIVATE OPERATION.—" before "Private persons"; and

(3) by adding at the end the following new subsection:

"(b) CONTRACTS WITH OTHER AGENCIES AND INSTRUMENTALITIES.—(1) The Defense Commissary Agency, and any other agency of the Department of Defense that supports the operation of the commissary system, may enter into a contract or other agreement with another department, agency, or instrumentality of the Department of Defense or another Federal agency to provide services beneficial to the efficient management and operation of the commissary system.

"(2) A commissary store operated by a nonappropriated fund instrumentality of the Department of Defense shall be operated in accordance with section 2484 of this title. Subject to such section, the Secretary of Defense may authorize a transfer of goods, supplies, and facilities of, and funds appropriated for, the Defense Commissary Agency or any other agency of the Department of Defense that supports the operation of the commissary system to a nonappropriated fund instrumentality for the operation of a commissary store.".

(b) CLERICAL AMENDMENT.—The item relating to such section in the table of sections at the beginning of chapter 147 of such title is amended to read as follows:

"2482. Commissary stores: operation.".

### SEC. 332. LIMITED RELEASE OF COMMISSARY STORES SALES INFORMATION TO MANUFACTURERS, DISTRIBUTORS, AND OTHER VENDORS DOING BUSINESS WITH DEFENSE COMMISSARY AGENCY.

Section 2487(b) of title 10, United States Code, is amended in the second sentence by inserting before the period the following: "unless the agreement is between the Defense Commissary Agency and a manufacturer, distributor, or other vendor doing business with the Agency and is restricted to information directly related to merchandise provided by that manufacturer, distributor, or vendor".

### SEC. 333. ECONOMICAL DISTRIBUTION OF DISTILLED SPIRITS BY NONAPPROPRIATED FUND INSTRUMENTALITIES.

(a) ECONOMICAL DISTRIBUTION.—Subsection (a)(1) of section 2488 of title 10, United States Code, is amended by inserting after "most competitive source" the following: "and distributed in the most economical manner".

(b) DETERMINATION OF MOST ECONOMICAL DISTRIBUTION METHOD.—Such section is further amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection:

"(c)(1) In the case of covered alcoholic beverage purchases of distilled spirits, to determine whether a nonappropriated fund instrumentality of the Department of Defense provides the most economical method of distribution to package stores, the Secretary of Defense shall consider all components of the distribution costs incurred by the nonappropriated fund instrumentality, such as overhead costs (including costs associated with management, logistics, administration, depreciation, and utilities), the costs of carrying inventory, and handling and distribution costs.

"(2) If the use of a private distributor would subject covered alcoholic beverage purchases of distilled spirits to direct or indirect State taxation, a nonappropriated fund instrumentality shall be considered to be the most economical method of distribution regardless of the results of the determination under paragraph (1).

"(3) The Secretary shall use the agencies performing audit functions on behalf of the armed forces and the Inspector General of the Department of Defense to make determinations under this subsection.".

### SEC. 334. TRANSPORTATION BY COMMISSARIES AND EXCHANGES TO OVERSEAS LOCATIONS.

(a) IN GENERAL.—Chapter 157 of title 10, United States Code, is amended by adding at the end the following new section:

#### "§ 2643. Commissary and exchange services: transportation overseas

"The Secretary of Defense shall authorize the officials responsible for operation of commissaries and military exchanges to negotiate directly with private carriers for the most cost-effective transportation of commissary and exchange supplies by sea without relying on the Military Sealift Command or the Military Traffic Management Command. Section 2631 of this title, regarding the preference for vessels of the United States or belonging to the United States in the transportation of supplies by sea, shall apply to the negotiation of transportation contracts under the authority of this section.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2643. Commissary and exchange services: transportation overseas.".

10 USC 2241 note.

## SEC. 335. DEMONSTRATION PROJECT FOR UNIFORM FUNDING OF MORALE, WELFARE, AND RECREATION ACTIVITIES AT CERTAIN MILITARY INSTALLATIONS.

(a) DEMONSTRATION PROJECT REQUIRED.—(1) The Secretary of Defense shall conduct a demonstration project to evaluate the feasibility of using only nonappropriated funds to support morale, welfare, and recreation programs at military installations in order to facilitate the procurement of property and services for those programs and the management of employees used to carry out those programs.

(2) Under the demonstration project—

(A) procurements of property and services for programs referred to in paragraph (1) may be carried out in accordance with laws and regulations applicable to procurements paid for with nonappropriated funds; and

(B) appropriated funds available for such programs may be expended in accordance with laws applicable to expenditures of nonappropriated funds as if the appropriated funds were nonappropriated funds.

Regulations.

(3) The Secretary shall prescribe regulations to carry out paragraph (2). The regulations shall provide for financial management and accounting of appropriated funds expended in accordance with subparagraph (B) of such paragraph.

(b) COVERED MILITARY INSTALLATIONS.—The Secretary shall select not less than three and not more than six military installations to participate in the demonstration project.

Termination date.

(c) PERIOD OF DEMONSTRATION PROJECT.—The demonstration project shall terminate not later than September 30, 1998.

(d) EFFECT ON EMPLOYEES.—For the purpose of testing fiscal accounting procedures, the Secretary may convert, for the duration of the demonstration project, the status of an employee who carries out a program referred to in subsection (a)(1) from the status of an employee paid by appropriated funds to the status of a nonappropriated fund instrumentality employee, except that such conversion may occur only—

(1) if the employee whose status is to be converted—

(A) is fully informed of the effects of such conversion on the terms and conditions of the employment of that employee for purposes of title 5, United States Code, and on the benefits provided to that employee under such title; and

(B) consents to such conversion; or

(2) in a manner which does not affect such terms and conditions of employment or such benefits.

(e) REPORTS.—(1) Not later than six months after the date of the enactment of this Act, the Secretary shall submit to Congress an interim report on the implementation of this section.

(2) Not later than December 31, 1998, the Secretary shall submit to Congress a final report on the results of the demonstration project. The report shall include a comparison of—

(A) the cost incurred under the demonstration project in using employees paid by appropriated funds together with nonappropriated fund instrumentality employees to carry out the programs referred to in subsection (a)(1); and

(B) an estimate of the cost that would have been incurred if only nonappropriated fund instrumentality employees had been used to carry out such programs.

**SEC. 336. OPERATION OF COMBINED EXCHANGE AND COMMISSARY STORES.**

(a) IN GENERAL.—(1) Chapter 147 of title 10, United States Code, is amended by adding at the end the following new section:

**"§ 2490a. Combined exchange and commissary stores**

"(a) AUTHORITY.—The Secretary of Defense may authorize a nonappropriated fund instrumentality to operate a military exchange and a commissary store as a combined exchange and commissary store on a military installation.

"(b) LIMITATIONS.—(1) Not more than ten combined exchange and commissary stores may be operated pursuant to this section.

"(2) The Secretary may select a military installation for the operation of a combined exchange and commissary store under this section only if—

"(A) the installation is to be closed, or has been or is to be realigned, under a base closure law; or

"(B) a military exchange and a commissary store are operated at the installation by separate entities at the time of, or immediately before, such selection and it is not economically feasible to continue that separate operation.

Texas.

"(c) OPERATION AT CARSWELL FIELD.—Combined exchange and commissary stores operated under this section shall include the combined exchange and commissary store that is operated at the Naval Air Station Fort Worth, Joint Reserve Center, Carswell Field, Texas, under the authority provided in section 375 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2736).

"(d) ADJUSTMENTS AND SURCHARGES.—Adjustments to, and surcharges on, the sales price of a grocery food item sold in a combined exchange and commissary store under this section shall be provided for in accordance with the same laws that govern such adjustments and surcharges for items sold in a commissary store of the Defense Commissary Agency.

"(e) USE OF APPROPRIATED FUNDS.—(1) If a nonappropriated fund instrumentality incurs a loss in operating a combined exchange and commissary store at a military installation under this section as a result of the requirement set forth in subsection (d), the Secretary may authorize a transfer of funds available for the Defense Commissary Agency to the nonappropriated fund instrumentality to offset the loss.

"(2) The total amount of appropriated funds transferred during a fiscal year to support the operation of a combined exchange and commissary store at a military installation under this section may not exceed an amount that is equal to 25 percent of the amount of appropriated funds that was provided for the operation of the commissary store of the Defense Commissary Agency on that installation during the last full fiscal year of operation of that commissary store.

"(f) DEFINITIONS.—In this section:

"(1) The term 'nonappropriated fund instrumentality' means the Army and Air Force Exchange Service, Navy Exchange Service Command, Marine Corps exchanges, or any other instrumentality of the United States under the jurisdiction of the Armed Forces which is conducted for the comfort, pleasure, contentment, or physical or mental improvement of members of the Armed Forces.

"(2) The term 'base closure law' has the meaning given such term by section 2667(g) of this title.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2490a. Combined exchange and commissary stores.".

(b) CONFORMING AMENDMENT.—Section 375 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2736) is amended by striking out ", until December 31, 1995,".

### SEC. 337. DEFERRED PAYMENT PROGRAMS OF MILITARY EXCHANGES.

Contracts.

(a) USE OF COMMERCIAL BANKING INSTITUTION.—(1) As soon as practicable after the date of the enactment of this Act, the Secretary of Defense shall seek to enter into an agreement with a commercial banking institution under which the institution agrees to finance and operate the deferred payment program of the Army and Air Force Exchange Service and the deferred payment program of the Navy Exchange Service Command. The Secretary shall use competitive procedures to enter into an agreement under this paragraph.

(2) In order to facilitate the transition of the operation of the programs referred to in paragraph (1) to commercial operation under an agreement described in that paragraph, the Secretary may initially limit the scope of any such agreement so as to apply to only one of the programs.

(b) REPORT.—Not later than December 31, 1995, the Secretary shall submit to Congress a report on the implementation of this section. The report shall also include an analysis of the impact of the deferred payment programs referred to in subsection (a)(1), including the impact of the default and collection procedures under such programs, on members of the Armed Forces and their families.

### SEC. 338. AVAILABILITY OF FUNDS TO OFFSET EXPENSES INCURRED BY ARMY AND AIR FORCE EXCHANGE SERVICE ON ACCOUNT OF TROOP REDUCTIONS IN EUROPE.

Of funds authorized to be appropriated under section 301(5), not less than $70,000,000 shall be available to the Secretary of Defense for transfer to the Army and Air Force Exchange Service to offset expenses incurred by the Army and Air Force Exchange Service on account of reductions in the number of members of the United States Armed Forces assigned to permanent duty ashore in Europe.

### SEC. 339. STUDY REGARDING IMPROVING EFFICIENCIES IN OPERATION OF MILITARY EXCHANGES AND OTHER MORALE, WELFARE, AND RECREATION ACTIVITIES AND COMMISSARY STORES.

(a) STUDY REQUIRED.—The Secretary of Defense shall conduct a study regarding the manner in which greater efficiencies can be achieved in the operation of—

(1) military exchanges;

(2) other instrumentalities of the United States under the jurisdiction of the Armed Forces which are conducted for the comfort, pleasure, contentment, or physical or mental improvement of members of the Armed Forces; and

(3) commissary stores.

(b) REPORT OF STUDY.—Not later than March 1, 1996, the Secretary of Defense shall submit to Congress a report describing the results of the study and containing such recommendations as the Secretary considers appropriate to implement options identified in the study to achieve the greater efficiencies referred to in subsection (a).

### SEC. 340. REPEAL OF REQUIREMENT TO CONVERT SHIPS' STORES TO NONAPPROPRIATED FUND INSTRUMENTALITIES.

(a) REPEAL.—Section 371 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 10 U.S.C. 7604 note) is amended—

(1) by striking out subsections (a) and (b); and

(2) by redesignating subsections (c) and (d) as subsections (a) and (b), respectively.

Reports.

(b) INSPECTOR GENERAL REVIEW.—Not later than April 1, 1996, the Inspector General of the Department of Defense shall submit to Congress a report that reviews the report on the costs and benefits of converting to operation of Navy ships' stores by nonappropriated fund instrumentalities that the Navy Audit Agency prepared in connection with the postponement of the deadline for the conversion provided for in section 374(a) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2736).

### SEC. 341. DISPOSITION OF EXCESS MORALE, WELFARE, AND RECREATION FUNDS.

Section 2219 of title 10, United States Code, is amended—

(1) in the first sentence, by striking out "a military department" and inserting in lieu thereof "an armed force";

(2) in the second sentence—

(A) by striking out ", department-wide"; and

(B) by striking out "of the military department" and inserting in lieu thereof "for that armed force"; and

(3) by adding at the end the following: "This section does not apply to the Coast Guard.".

### SEC. 342. CLARIFICATION OF ENTITLEMENT TO USE OF MORALE, WELFARE, AND RECREATION FACILITIES BY MEMBERS OF RESERVE COMPONENTS AND DEPENDENTS.

(a) IN GENERAL.—Section 1065 of title 10, United States Code, is amended to read as follows:

### "§ 1065. Morale, welfare, and recreation retail facilities: use by members of reserve components and dependents

"(a) MEMBERS OF THE SELECTED RESERVE.—A member of the Selected Reserve in good standing (as determined by the Secretary concerned) shall be permitted to use MWR retail facilities on the same basis as members on active duty.

"(b) MEMBERS OF READY RESERVE NOT IN SELECTED RESERVE.—Subject to such regulations as the Secretary of Defense may prescribe, a member of the Ready Reserve (other than members of the Selected Reserve) may be permitted to use MWR retail facilities on the same basis as members serving on active duty.

"(c) RESERVE RETIREES UNDER AGE 60.—A member or former member of a reserve component under 60 years of age who, but for age, would be eligible for retired pay under chapter 1223 of this title shall be permitted to use MWR retail facilities on the same basis as members of the armed forces entitled to retired pay under any other provision of law.

"(d) DEPENDENTS.—(1) Dependents of a member who is permitted under subsection (a) or (b) to use MWR retail facilities shall be permitted to use such facilities on the same basis as dependents of members on active duty.

"(2) Dependents of a member who is permitted under subsection (c) to use MWR retail facilities shall be permitted to use such facilities on the same basis as dependents of members of the armed forces entitled to retired pay under any other provision of law.

"(e) MWR RETAIL FACILITY DEFINED.—In this section, the term 'MWR retail facilities' means exchange stores and other revenue-generating facilities operated by nonappropriated fund activities of the Department of Defense for the morale, welfare, and recreation of members of the armed forces.".

(b) CLERICAL AMENDMENT.—The item relating to such section in the table of sections at the beginning of chapter 54 of such title is amended to read as follows:

"1065. Morale, welfare, and recreation retail facilities: use by members of reserve components and dependents.".

## Subtitle E—Performance of Functions by Private-Sector Sources

### SEC. 351. COMPETITIVE PROCUREMENT OF PRINTING AND DUPLICATION SERVICES.

(a) REQUIREMENT FOR COMPETITIVE PROCUREMENT.—Except as provided in subsection (b), the Secretary of Defense shall, during fiscal year 1996 and consistent with the requirements of title 44, United States Code, competitively procure printing and duplication services from private-sector sources for the performance of at least 70 percent of the total printing and duplication requirements of the Defense Printing Service.

(b) EXCEPTION FOR CLASSIFIED INFORMATION.—The requirement of subsection (a) shall not apply to the procurement of services for printing and duplicating classified documents and information.

10 USC 2458 note.

### SEC. 352. DIRECT VENDOR DELIVERY SYSTEM FOR CONSUMABLE INVENTORY ITEMS OF DEPARTMENT OF DEFENSE.

(a) IMPLEMENTATION OF DIRECT VENDOR DELIVERY SYSTEM.—Not later than September 30, 1997, the Secretary of Defense shall, to the maximum extent practicable, implement a system under which consumable inventory items referred to in subsection (b) are delivered to military installations throughout the United States directly by the vendors of those items. The purpose for implementing the system is to reduce the expense and necessity of maintaining extensive warehouses for those items within the Department of Defense.

(b) COVERED ITEMS.—The items referred to in subsection (a) are the following:

(1) Food and clothing.

(2) Medical and pharmaceutical supplies.

(3) Automotive, electrical, fuel, and construction supplies.

(4) Other consumable inventory items the Secretary considers appropriate.

### SEC. 353. PAYROLL, FINANCE, AND ACCOUNTING FUNCTIONS OF THE DEPARTMENT OF DEFENSE.

(a) PLAN FOR PRIVATE OPERATION OF CERTAIN FUNCTIONS.—(1) Not later than October 1, 1996, the Secretary of Defense shall submit to Congress a plan for the performance by private-sector sources of payroll functions for civilian employees of the Department of Defense other than employees paid from nonappropriated funds.

10 USC 2461 note.

(2)(A) The Secretary shall implement the plan referred to in paragraph (1) if the Secretary determines that the cost of performance by private-sector sources of the functions referred to in that paragraph does not exceed the cost of performance of those functions by employees of the Federal Government.

(B) In computing the total cost of performance of such functions by employees of the Federal Government, the Secretary shall include the following:

(i) Managerial and administrative costs.

(ii) Personnel costs, including the cost of providing retirement benefits for such personnel.

(iii) Costs associated with the provision of facilities and other support by Federal agencies.

(C) The Defense Contract Audit Agency shall verify the costs computed for the Secretary under this paragraph by others.

(3) At the same time the Secretary submits the plan required by paragraph (1), the Secretary shall submit to Congress a report on other accounting and finance functions of the Department that are appropriate for performance by private-sector sources.

Reports.

(b) PILOT PROGRAM FOR PRIVATE OPERATION OF NAFI FUNCTIONS.—(1) The Secretary shall carry out a pilot program to test the performance by private-sector sources of payroll and other accounting and finance functions of nonappropriated fund instrumentalities and to evaluate the extent to which cost savings and efficiencies would result from the performance of such functions by those sources.

10 USC 2461 note.

(2) The payroll and other accounting and finance functions designated by the Secretary for performance by private-sector sources under the pilot program shall include at least one major payroll, accounting, or finance function.

(3) To carry out the pilot program, the Secretary shall enter into discussions with private-sector sources for the purpose of developing a request for proposals to be issued for performance by those sources of functions designated by the Secretary under paragraph (2). The discussions shall be conducted on a schedule that accommodates issuance of a request for proposals within 60 days after the date of the enactment of this Act.

(4) A goal of the pilot program is to reduce by at least 25 percent the total costs incurred by the Department annually for the performance of a function referred to in paragraph (2) through the performance of that function by a private-sector source.

(5) Before conducting the pilot program, the Secretary shall develop a plan for the program that addresses the following:

(A) The purposes of the program.

(B) The methodology, duration, and anticipated costs of the program, including the cost of an arrangement pursuant to which a private-sector source would receive an agreed-upon payment plus an additional negotiated amount not to exceed 50 percent of the dollar savings achieved in excess of the goal specified in paragraph (4).

(C) A specific citation to any provisions of law, rule, or regulation that, if not waived, would prohibit the conduct of the program or any part of the program.

(D) A mechanism to evaluate the program.

(E) A provision for all payroll, accounting, and finance functions of nonappropriated fund instrumentalities of the Department of Defense to be performed by private-sector sources, if determined advisable on the basis of a final assessment of the results of the program.

(6) The Secretary shall act through the Under Secretary of Defense (Comptroller) in the performance of the Secretary's responsibilities under this subsection.

(c) LIMITATION ON OPENING OF NEW OPERATING LOCATIONS FOR DEFENSE FINANCE AND ACCOUNTING SERVICE.—(1) Except as provided in paragraph (2), the Secretary may not establish a new operating location for the Defense Finance and Accounting Service during fiscal year 1996.

(2) The Secretary may establish a new operating location for the Defense Finance and Accounting Service if—

(A) for a new operating location that the Secretary planned before the date of the enactment of this Act to establish on or after that date, the Secretary reconsiders the need for establishing that new operating location; and

(B) for each new operating location, including a new operating location referred to in subparagraph (A)—

(i) the Secretary submits to Congress, as part of the report required by subsection (a)(4), an analysis of the need for establishing the new operating location; and

(ii) a period of 30 days elapses after the Congress receives the report.

(3) In this subsection, the term "new operating location" means an operating location that is not in operation on the date of the enactment of this Act, except that such term does not include an operating location for which, as of such date—

(A) the Secretary has established a date for the commencement of operations; and

(B) funds have been expended for the purpose of its establishment.

10 USC 2461 note.

## SEC. 354. DEMONSTRATION PROGRAM TO IDENTIFY OVERPAYMENTS MADE TO VENDORS.

(a) IN GENERAL.—The Secretary of Defense shall conduct a demonstration program to evaluate the feasibility of using private contractors to audit accounting and procurement records of the Department of Defense in order to identify overpayments made to vendors by the Department. The demonstration program shall be conducted for the Defense Logistics Agency and include the Defense Personnel Support Center.

Contracts.

(b) PROGRAM REQUIREMENTS.—(1) Under the demonstration program, the Secretary shall, by contract, provide for one or more persons to audit the accounting and procurement records of the

Defense Logistics Agency that relate to (at least) fiscal years 1993, 1994, and 1995. The Secretary may enter into more than one contract under the program.

(2) A contract under the demonstration program shall require the contractor to use data processing techniques that are generally used in audits of private-sector records similar to the records audited under the contract.

(c) AUDIT REQUIREMENTS.—In conducting an audit under the demonstration program, a contractor shall compare Department of Defense purchase agreements (and related documents) with invoices submitted by vendors under the purchase agreements. A purpose of the comparison is to identify, in the case of each audited purchase agreement, the following:

(1) Any payments to the vendor for costs that are not allowable under the terms of the purchase agreement or by law.

(2) Any amounts not deducted from the total amount paid to the vendor under the purchase agreement that should have been deducted from that amount on account of goods and services provided to the vendor by the Department.

(3) Duplicate payments.

(4) Unauthorized charges.

(5) Other discrepancies between the amount paid to the vendor and the amount actually due the vendor under the purchase agreement.

(d) BONUS PAYMENT.—To the extent provided for in a contract under the demonstration program, the Secretary may pay the contractor a bonus in addition to any other amount paid for performance of the contract. The amount of such bonus may not exceed the amount that is equal to 25 percent of all amounts recovered by the United States on the basis of information obtained as a result of the audit performed under the contract. Any such bonus shall be paid out of amounts made available pursuant to subsection (e).

(e) AVAILABILITY OF FUNDS.—Of the amount authorized to be appropriated pursuant to section 301(5), not more than $5,000,000 shall be available for the demonstration program.

## SEC. 355. PILOT PROGRAM ON PRIVATE OPERATION OF DEFENSE DEPENDENTS' SCHOOLS.

20 USC 921 note.

(a) PILOT PROGRAM.—The Secretary of Defense may conduct a pilot program to evaluate the feasibility of using private contractors to operate schools of the defense dependents' education system established under section 1402(a) of the Defense Dependents' Education Act of 1978 (20 U.S.C. 921(a)).

(b) SELECTION OF SCHOOL FOR PROGRAM.—If the Secretary conducts the pilot program, the Secretary shall select one school of the defense dependents' education system for participation in the program and provide for the operation of the school by a private contractor for not less than one complete school year.

(c) REPORT.—Not later than 30 days after the end of the first school year in which the pilot program is conducted, the Secretary shall submit to Congress a report on the results of the program. The report shall include the recommendation of the Secretary with respect to the extent to which other schools of the defense dependents' education system should be operated by private contractors.

10 USC 2461 note.

### SEC. 356. PROGRAM FOR IMPROVED TRAVEL PROCESS FOR THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—(1) The Secretary of Defense shall conduct a program to evaluate options to improve the Department of Defense travel process. To carry out the program, the Secretary shall compare the results of the tests conducted under subsection (b) to determine which travel process tested under such subsection is the better option to effectively manage travel of Department personnel.

(2) The program shall be conducted at not less than three and not more than six military installations, except that an installation may be the subject of only one test conducted under the program.

(3) The Secretary shall act through the Under Secretary of Defense (Comptroller) in the performance of the Secretary's responsibilities under this section.

(b) CONDUCT OF TESTS.—(1) The Secretary shall conduct a test at an installation referred to in subsection (a)(2) under which the Secretary—

(A) implements the changes proposed to be made with respect to the Department of Defense travel process by the task force on travel management that was established by the Secretary in July 1994;

(B) manages and uniformly applies that travel process (including the implemented changes) throughout the Department; and

(C) provides opportunities for private-sector sources to provide travel reservation services and credit card services to facilitate that travel process.

(2) The Secretary shall conduct a test at an installation referred to in subsection (a)(2) under which the Secretary—

(A) enters into one or more contracts with a private-sector source pursuant to which the private-sector source manages the Department of Defense travel process (except for functions referred to in subparagraph (B)), provides for responsive, reasonably priced services as part of the travel process, and uniformly applies the travel process throughout the Department; and

(B) provides for the performance by employees of the Department of only those travel functions, such as travel authorization, that the Secretary considers to be necessary to be performed by such employees.

(3) Each test required by this subsection shall begin not later than 60 days after the date of the enactment of this Act and end two years after the date on which it began. Each such test shall also be conducted in accordance with the guidelines for travel management issued for the Department by the Under Secretary of Defense (Comptroller).

(c) EVALUATION CRITERIA.—The Secretary shall establish criteria to evaluate the travel processes tested under subsection (b). The criteria shall, at a minimum, include the extent to which a travel process provides for the following:

(1) The coordination, at the time of a travel reservation, of travel policy and cost estimates with the mission which necessitates the travel.

(2) The use of fully integrated travel solutions envisioned by the travel reengineering report of the Department of Defense dated January 1995.

(3) The coordination of credit card data and travel reservation data with cost estimate data.

(4) The elimination of the need for multiple travel approvals through the coordination of such data with proposed travel plans.

(5) A responsive and flexible management information system that enables the Under Secretary of Defense (Comptroller) to monitor travel expenses throughout the year, accurately plan travel budgets for future years, and assess, in the case of travel of an employee on temporary duty, the relationship between the cost of the travel and the value of the travel to the accomplishment of the mission which necessitates the travel.

(d) PLAN FOR PROGRAM.—Before conducting the program, the Secretary shall develop a plan for the program that addresses the following:

(1) The purposes of the program, including the achievement of an objective of reducing by at least 50 percent the total cost incurred by the Department annually to manage the Department of Defense travel process.

(2) The methodology and anticipated cost of the program, including the cost of an arrangement pursuant to which a private-sector source would receive an agreed-upon payment plus an additional negotiated amount that does not exceed 50 percent of the total amount saved in excess of the objective specified in paragraph (1).

(3) A specific citation to any provision or law, rule, or regulation that, if not waived, would prohibit the conduct of the program or any part of the program.

(4) The evaluation criteria established pursuant to subsection (c).

(5) A provision for implementing throughout the Department the travel process determined to be the better option to effectively manage travel of Department personnel on the basis of a final assessment of the results of the program.

(e) REPORT.—After the first full year of the conduct of the tests required by subsection (b), the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the implementation of the program. The report shall include an analysis of the evaluation criteria established pursuant to subsection (c).

## SEC. 357. INCREASED RELIANCE ON PRIVATE-SECTOR SOURCES FOR COMMERCIAL PRODUCTS AND SERVICES.

10 USC 2461 note.

(a) IN GENERAL.—The Secretary of Defense shall endeavor to carry out through a private-sector source any activity to provide a commercial product or service for the Department of Defense if—

(1) the product or service can be provided adequately through such a source; and

(2) an adequate competitive environment exists to provide for economical performance of the activity by such a source.

(b) APPLICABILITY.—(1) Subsection (a) shall not apply to any commercial product or service with respect to which the Secretary determines that production, manufacture, or provision of that product or service by the Government is necessary for reasons of national security.

(2) A determination under paragraph (1) shall be made in accordance with regulations prescribed under subsection (c).

(c) REGULATIONS.—The Secretary shall prescribe regulations to carry out this section. Such regulations shall be prescribed in consultation with the Director of the Office of Management and Budget.

(d) REPORT.—(1) The Secretary shall identify activities of the Department (other than activities specified by the Secretary pursuant to subsection (b)) that are carried out by employees of the Department to provide commercial-type products or services for the Department.

(2) Not later than April 15, 1996, the Secretary shall transmit to the congressional defense committees a report on opportunities for increased use of private-sector sources to provide commercial products and services for the Department.

(3) The report required by paragraph (2) shall include the following:

(A) A list of activities identified under paragraph (1) indicating, for each activity, whether the Secretary proposes to convert the performance of that activity to performance by private-sector sources and, if not, the reasons why.

(B) An assessment of the advantages and disadvantages of using private-sector sources, rather than employees of the Department, to provide commercial products and services for the Department that are not essential to the warfighting mission of the Armed Forces.

(C) A specification of all legislative and regulatory impediments to converting the performance of activities identified under paragraph (1) to performance by private-sector sources.

(D) The views of the Secretary on the desirability of terminating the applicability of OMB Circular A–76 to the Department.

(4) The Secretary shall carry out paragraph (1) in consultation with the Director of the Office of Management and Budget and the Comptroller General of the United States. In carrying out that paragraph, the Secretary shall consult with, and seek the views of, representatives of the private sector, including organizations representing small businesses.

## Subtitle F—Miscellaneous Reviews, Studies, and Reports

### SEC. 361. QUARTERLY READINESS REPORTS.

(a) IN GENERAL.—(1) Chapter 22 of title 10, United States Code, is amended by adding at the end the following new section:

**"§ 452. Quarterly readiness reports**

"(a) REQUIREMENT.—Not later than 30 days after the end of each calendar-year quarter, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on military readiness. The report for any quarter shall be based on assessments that are provided during that quarter—

“(1) to any council, committee, or other body of the Department of Defense (A) that has responsibility for readiness oversight, and (B) the membership of which includes at least one civilian officer in the Office of the Secretary of Defense at the level of Assistant Secretary of Defense or higher;

“(2) by senior civilian and military officers of the military departments and the commanders of the unified and specified commands; and

“(3) as part of any regularly established process of periodic readiness reviews for the Department of Defense as a whole.

“(b) MATTERS TO BE INCLUDED.—Each such report shall—

“(1) specifically describe identified readiness problems or deficiencies and planned remedial actions; and

“(2) include the key indicators and other relevant data related to the identified problem or deficiency.

“(c) CLASSIFICATION OF REPORTS.—Reports under this section shall be submitted in unclassified form and may, as the Secretary determines necessary, also be submitted in classified form.”.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“452. Quarterly readiness reports.”.

(b) EFFECTIVE DATE.—Section 452 of title 10, United States Code, as added by subsection (a), shall take effect with the calendar-year quarter during which this Act is enacted. 10 USC 452 note.

## SEC. 362. RESTATEMENT OF REQUIREMENT FOR SEMIANNUAL REPORTS TO CONGRESS ON TRANSFERS FROM HIGH-PRIORITY READINESS APPROPRIATIONS.

Section 361 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2732) is amended to read as follows:

## “SEC. 361. SEMIANNUAL REPORTS TO CONGRESS ON TRANSFERS FROM HIGH-PRIORITY READINESS APPROPRIATIONS.

“(a) ANNUAL REPORTS.—During 1996 and 1997, the Secretary of Defense shall submit to the congressional defense committees a report on transfers during the preceding fiscal year from funds available for each budget activity specified in subsection (d) (hereinafter in this section referred to as ‘covered budget activities’). The report each year shall be submitted not later than the date in that year on which the President submits the budget for the next fiscal year to Congress pursuant to section 1105 of title 31, United States Code.

“(b) MIDYEAR REPORTS.—On May 1 of each year specified in subsection (a), the Secretary of Defense shall submit to the congressional defense committees a report providing the same information, with respect to the first six months of the fiscal year in which the report is submitted, that is provided in reports under subsection (a) with respect to the preceding fiscal year.

“(c) MATTERS TO BE INCLUDED.—In each report under this section, the Secretary shall include for each covered budget activity the following:

“(1) A statement, for the period covered by the report, of—

"(A) the total amount of transfers into funds available for that activity;

"(B) the total amount of transfers from funds available for that activity; and

"(C) the net amount of transfers into, or out of, funds available for that activity.

"(2) A detailed explanation of the transfers into, and out of, funds available for that activity during the period covered by the report.

"(d) COVERED BUDGET ACTIVITIES.—The budget activities to which this section applies are the following:

"(1) The budget activity groups (known as 'subactivities') within the Operating Forces budget activity of the annual Operation and Maintenance, Army, appropriation that are designated as follows:

"(A) Combat Units.
"(B) Tactical Support.
"(C) Force-Related Training/Special Activities.
"(D) Depot Maintenance.
"(E) JCS Exercises.

"(2) The budget activity groups (known as 'subactivities') within the Operating Forces budget activity of the annual Operation and Maintenance, Navy, appropriation that are designated as follows:

"(A) Mission and Other Flight Operations.
"(B) Mission and Other Ship Operations.
"(C) Fleet Air Training.
"(D) Ship Operational Support and Training.
"(E) Aircraft Depot Maintenance.
"(F) Ship Depot Maintenance.

"(3) The budget activity groups (known as 'subactivities'), or other activity, within the Operating Forces budget activity of the annual Operation and Maintenance, Air Force, appropriation that are designated or otherwise identified as follows:

"(A) Primary Combat Forces.
"(B) Primary Combat Weapons.
"(C) Global and Early Warning.
"(D) Air Operations Training.
"(E) Depot Maintenance.
"(F) JCS Exercises.".

### SEC. 363. REPORT REGARDING REDUCTION OF COSTS ASSOCIATED WITH CONTRACT MANAGEMENT OVERSIGHT.

(a) REPORT REQUIRED.—Not later than April 1, 1996, the Comptroller General of the United States shall submit to Congress a report identifying methods to reduce the cost to the Department of Defense of management oversight of contracts in connection with major defense acquisition programs.

(b) MAJOR DEFENSE ACQUISITION PROGRAMS DEFINED.—For purposes of this section, the term "major defense acquisition program" has the meaning given that term in section 2430(a) of title 10, United States Code.

### SEC. 364. REVIEWS OF MANAGEMENT OF INVENTORY CONTROL POINTS AND MATERIEL MANAGEMENT STANDARD SYSTEM.

(a) REVIEW OF CONSOLIDATION OF INVENTORY CONTROL POINTS.—(1) The Secretary of Defense shall conduct a review of the management by the Defense Logistics Agency of all inventory control points of the Department of Defense. In conducting the review, the Secretary shall examine the management and acquisition practices of the Defense Logistics Agency for inventory of repairable spare parts.

(2) Not later than March 31, 1996, the Secretary shall submit to the Comptroller General of the United States and the congressional defense committees a report on the results the review conducted under paragraph (1).

(b) REVIEW OF MATERIEL MANAGEMENT STANDARD SYSTEM.—(1) The Comptroller General of the United States shall conduct a review of the automated data processing system of the Department of Defense known as the Materiel Management Standard System.

(2) Not later than May 1, 1996, the Comptroller General shall submit to the congressional defense committees a report on the results of the review conducted under paragraph (1).

### SEC. 365. REPORT ON PRIVATE PERFORMANCE OF CERTAIN FUNCTIONS PERFORMED BY MILITARY AIRCRAFT.

(a) REPORT REQUIRED.—Not later than May 1, 1996, the Secretary of Defense shall submit to Congress a report on the feasibility of providing for the performance by private-sector sources of functions necessary to be performed to fulfill the requirements of the Department of Defense for air transportation of personnel and cargo.

(b) CONTENT OF REPORT.—The report shall include the following:

(1) A cost-benefit analysis with respect to the performance by private-sector sources of functions described in subsection (a), including an explanation of the assumptions used in the cost-benefit analysis.

(2) An assessment of the issues raised by providing for such performance by means of a contract entered into with a private-sector source.

(3) An assessment of the issues raised by providing for such performance by means of converting functions described in subsection (a) to private ownership and operation, in whole or in part.

(4) A discussion of the requirements for the performance of such functions in order to fulfill the requirements referred to in subsection (a) during wartime.

(5) The effect on military personnel and facilities of using private-sector sources to fulfill the requirements referred to in such subsection.

(6) The performance by private-sector sources of any other military aircraft functions (such as non-combat inflight fueling of aircraft) the Secretary considers appropriate.

### SEC. 366. STRATEGY AND REPORT ON AUTOMATED INFORMATION SYSTEMS OF DEPARTMENT OF DEFENSE.

10 USC 113 note.

(a) DEVELOPMENT OF STRATEGY.—The Secretary of Defense shall develop a strategy for the development or modernization of automated information systems for the Department of Defense.

(b) MATTERS TO CONSIDER.—In developing the strategy required under subsection (a), the Secretary shall consider the following:

(1) The use of performance measures and management controls.

(2) Findings of the Functional Management Review conducted by the Secretary.

(3) Program management actions planned by the Secretary.

(4) Actions and milestones necessary for completion of functional and economic analyses for—

(A) the Automated System for Transportation data;

(B) continuous acquisition and life cycle support;

(C) electronic data interchange;

(D) flexible computer integrated manufacturing;

(E) the Navy Tactical Command Support System; and

(F) the Defense Information System Network.

(5) Progress made by the Secretary in resolving problems with respect to the Defense Information System Network and the Joint Computer-Aided Acquisition and Logistics Support System.

(6) Tasks identified in the review conducted by the Secretary of the Standard Installation/Division Personnel System-3.

(7) Such other matters as the Secretary considers appropriate.

(c) REPORT ON STRATEGY.—(1) Not later than April 15, 1996, the Secretary shall submit to Congress a report on the development of the strategy required under subsection (a).

(2) In the case of the Air Force Wargaming Center, the Air Force Command Exercise System, the Cheyenne Mountain Upgrade, the Transportation Coordinator Automated Command and Control Information Systems, and the Wing Command and Control Systems, the report required by paragraph (1) shall provide functional economic analyses and address waivers exercised for compelling military importance under section 381(d) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2739).

(3) The report required by paragraph (1) shall also include the following:

Certification.

(A) A certification by the Secretary of the termination of the Personnel Electronic Record Management System or a justification for the continued need for such system.

(B) Findings of the Functional Management Review conducted by the Secretary and program management actions planned by the Secretary for—

(i) the Base Level System Modernization and the Sustaining Base Information System; and

(ii) the Standard Installation/Division Personnel System-3.

(C) An assessment of the implementation of migration systems and applications, including—

(i) identification of the systems and applications by functional or business area, specifying target dates for operation of the systems and applications;

(ii) identification of the legacy systems and applications that will be terminated;

(iii) the cost of and schedules for implementing the migration systems and applications; and

(iv) termination schedules.

(D) A certification by the Secretary that each information system that is subject to review by the Major Automated Information System Review Committee of the Department is cost-effective and supports the corporate information management goals of the Department, including the results of the review conducted for each such system by the Committee.

## Subtitle G—Other Matters

### EC. 371. CODIFICATION OF DEFENSE BUSINESS OPERATIONS FUND.

(a) MANAGEMENT OF WORKING-CAPITAL FUNDS.—(1) Chapter 131 of title 10, United States Code, is amended by inserting after ection 2215 the following new section:

**§ 2216. Defense Business Operations Fund**

"(a) MANAGEMENT OF WORKING-CAPITAL FUNDS AND CERTAIN ACTIVITIES.—The Secretary of Defense may manage the performance of the working-capital funds and industrial, commercial, and upport type activities described in subsection (b) through the fund known as the Defense Business Operations Fund, which is established on the books of the Treasury. Except for the funds and activities specified in subsection (b), no other functions, activities, unds, or accounts of the Department of Defense may be managed r converted to management through the Fund.

"(b) FUNDS AND ACTIVITIES INCLUDED.—The funds and activities eferred to in subsection (a) are the following:

"(1) Working-capital funds established under section 2208 of this title and in existence on December 5, 1991.

"(2) Those activities that, on December 5, 1991, were funded through the use of a working-capital fund established under that section.

"(3) The Defense Finance and Accounting Service.

"(4) The Defense Commissary Agency.

"(5) The Defense Reutilization and Marketing Service.

"(6) The Joint Logistics Systems Center.

"(c) SEPARATE ACCOUNTING, REPORTING, AND AUDITING OF FUNDS AND ACTIVITIES.—(1) The Secretary of Defense shall provide n accordance with this subsection for separate accounting, reporting, and auditing of funds and activities managed through the Fund.

"(2) The Secretary shall maintain the separate identity of each und and activity managed through the Fund that (before the stablishment of the Fund) was managed as a separate Fund or activity.

"(3) The Secretary shall maintain separate records for each Records. unction for which payment is made through the Fund and which before the establishment of the Fund) was paid directly through ppropriations, including the separate identity of the appropriation ccount used to pay for the performance of the function.

"(d) CHARGES FOR GOODS AND SERVICES PROVIDED THROUGH HE FUND.—(1) Charges for goods and services provided through he Fund shall include the following:

"(A) Amounts necessary to recover the full costs of the goods and services, whenever practicable, and the costs of the development, implementation, operation, and maintenance of systems supporting the wholesale supply and maintenance activities of the Department of Defense.

"(B) Amounts for depreciation of capital assets, set in accordance with generally accepted accounting principles.

"(C) Amounts necessary to recover the full cost of the operation of the Defense Finance Accounting Service.

"(2) Charges for goods and services provided through the Fund may not include the following:

"(A) Amounts necessary to recover the costs of a military construction project (as defined in section 2801(b) of this title), other than a minor construction project financed by the Fund pursuant to section 2805(c)(1) of this title.

"(B) Amounts necessary to cover costs incurred in connection with the closure or realignment of a military installation.

"(C) Amounts necessary to recover the costs of functions designated by the Secretary of Defense as mission critical, such as ammunition handling safety, and amounts for ancillary tasks not directly related to the mission of the function or activity managed through the Fund.

"(3)(A) The Secretary of Defense may submit to a customer a bill for the provision of goods and services through the Fund in advance of the provision of those goods and services.

Reports.

"(B) The Secretary shall submit to Congress a report on advance billings made pursuant to subparagraph (A)—

"(i) when the aggregate amount of all such billings after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1996 reaches $100,000,000; and

"(ii) whenever the aggregate amount of all such billings after the date of a preceding report under this subparagraph reaches $100,000,000.

"(C) Each report under subparagraph (B) shall include, for each such advance billing, the following:

"(i) An explanation of the reason for the advance billing.

"(ii) An analysis of the impact of the advance billing on readiness.

"(iii) An analysis of the impact of the advance billing on the customer so billed.

"(e) CAPITAL ASSET SUBACCOUNT.—(1) Amounts charged for depreciation of capital assets pursuant to subsection (d)(1)(B) shall be credited to a separate capital asset subaccount established within the Fund.

"(2) The Secretary of Defense may award contracts for capital assets of the Fund in advance of the availability of funds in the subaccount.

"(f) PROCEDURES FOR ACCUMULATION OF FUNDS.—The Secretary of Defense shall establish billing procedures to ensure that the balance in the Fund does not exceed the amount necessary to provide for the working capital requirements of the Fund, as determined by the Secretary.

"(g) PURCHASE FROM OTHER SOURCES.—The Secretary of Defense or the Secretary of a military department may purchase goods and services that are available for purchase from the Fund from a source other than the Fund if the Secretary determines that such source offers a more competitive rate for the goods and services than the Fund offers.

"(h) ANNUAL REPORTS AND BUDGET.—The Secretary of Defense shall annually submit to Congress, at the same time that the President submits the budget under section 1105 of title 31, the following:

"(1) A detailed report that contains a statement of all receipts and disbursements of the Fund (including such a statement for each subaccount of the Fund) for the fiscal year ending in the year preceding the year in which the budget is submitted.

"(2) A detailed proposed budget for the operation of the Fund for the fiscal year for which the budget is submitted.

"(3) A comparison of the amounts actually expended for the operation of the Fund for the fiscal year referred to in paragraph (1) with the amount proposed for the operation of the Fund for that fiscal year in the President's budget.

"(4) A report on the capital asset subaccount of the Fund that contains the following information:

"(A) The opening balance of the subaccount as of the beginning of the fiscal year in which the report is submitted.

"(B) The estimated amounts to be credited to the subaccount in the fiscal year in which the report is submitted.

"(C) The estimated amounts of outlays to be paid out of the subaccount in the fiscal year in which the report is submitted.

"(D) The estimated balance of the subaccount at the end of the fiscal year in which the report is submitted.

"(E) A statement of how much of the estimated balance at the end of the fiscal year in which the report is submitted will be needed to pay outlays in the immediately following fiscal year that are in excess of the amount to be credited to the subaccount in the immediately following fiscal year.

"(i) DEFINITIONS.—In this section:

"(1) The term 'capital assets' means the following capital assets that have a development or acquisition cost of not less than $50,000:

"(A) Minor construction projects financed by the Fund pursuant to section 2805(c)(1) of this title.

"(B) Automatic data processing equipment, software.

"(C) Equipment other than equipment described in subparagraph (B).

"(D) Other capital improvements.

"(2) The term 'Fund' means the Defense Business Operations Fund.".

(2) The table of sections at the beginning of such chapter s amended by inserting after the item relating to section 2215 he following new item:

2216. Defense Business Operations Fund.".

(b) CONFORMING REPEALS.—The following provisions of law are ereby repealed:

(1) Subsections (b), (c), (d), and (e) of section 311 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 10 U.S.C. 2208 note).

(2) Subsections (a) and (b) of section 333 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 10 U.S.C. 2208 note).

(3) Section 342 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 10 U.S.C. 2208 note).

(4) Section 316 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 10 U.S.C. 2208 note).

(5) Section 8121 of the Department of Defense Appropriations Act, 1992 (Public Law 102–172; 10 U.S.C. 2208 note).

### SEC. 372. CLARIFICATION OF SERVICES AND PROPERTY THAT MAY BE EXCHANGED TO BENEFIT THE HISTORICAL COLLECTION OF THE ARMED FORCES.

Section 2572(b)(1) of title 10, United States Code, is amended by striking out "not needed by the armed forces" and all that follows through the end of the paragraph and inserting in lieu thereof the following: "not needed by the armed forces for any of the following items or services if such items or services directly benefit the historical collection of the armed forces:

"(A) Similar items held by any individual, organization, institution, agency, or nation.

"(B) Conservation supplies, equipment, facilities, or systems.

"(C) Search, salvage, or transportation services.

"(D) Restoration, conservation, or preservation services.

"(E) Educational programs.".

### SEC. 373. FINANCIAL MANAGEMENT TRAINING.

(a) LIMITATION.—The Secretary of Defense may enter into a capital lease for the establishment of a Department of Defense financial management training center no earlier than the date that is 30 days after the date on which the Secretary of Defense submits to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives, in accordance with subsection (b), a certification of the need for such a center and a report on financial management training for Department of Defense personnel.

(b) CERTIFICATION AND REPORT.—(1) The certification and report referred to in subsection (a) are the following:

(A) Certification by the Secretary of the need for such a center.

(B) A report, submitted with the certification, on financial management training for Department of Defense personnel.

(2) Any report under paragraph (1) shall contain the following:

(A) The Secretary's analysis of the requirements for providing financial management training for employees of the Department of Defense.

(B) The alternatives considered by the Secretary for meeting those requirements.

(C) A detailed plan for meeting those requirements.

(D) A financial analysis of the estimated short-term and long-term costs of carrying out the plan.

(3) If, upon completing the analysis referred to in paragraph (2)(A) and after considering alternatives as described in paragraph (2)(B), the Secretary determines to meet the requirements for providing financial management training for employees of the Department of Defense through establishment of a financial management training center, the Secretary—

(A) shall make the determination of the location of the center using a merit-based selection process; and

(B) shall include in the report under paragraph (1) a description of that merit-based selection process.

### SEC. 374. PERMANENT AUTHORITY FOR USE OF PROCEEDS FROM THE SALE OF CERTAIN LOST, ABANDONED, OR UNCLAIMED PROPERTY.

(a) PERMANENT AUTHORITY.—Section 2575 of title 10 is amended—

(1) by striking out subsection (b) and inserting in lieu thereof the following:

"(b)(1) In the case of lost, abandoned, or unclaimed personal property found on a military installation, the proceeds from the sale of the property under this section shall be credited to the operation and maintenance account of that installation and used—

"(A) to reimburse the installation for any costs incurred by the installation to collect, transport, store, protect, or sell the property; and

"(B) to the extent that the amount of the proceeds exceeds the amount necessary for reimbursing all such costs, to support morale, welfare, and recreation activities under the jurisdiction of the armed forces that are conducted for the comfort, pleasure, contentment, or physical or mental improvement of members of the armed forces at such installation.

"(2) The net proceeds from the sale of other property under this section shall be covered into the Treasury as miscellaneous receipts."; and

(2) by adding at the end the following:

"(d)(1) The owner (or heirs, next of kin, or legal representative of the owner) of personal property the proceeds of which are credited to a military installation under subsection (b)(1) may file a claim with the Secretary of Defense for the amount equal to the proceeds (less costs referred to in subparagraph (A) of such subsection). Amounts to pay the claim shall be drawn from the morale, welfare, and recreation account for the installation that received the proceeds.

"(2) The owner (or heirs, next of kin, or legal representative of the owner) may file a claim with the Comptroller General of the United States for proceeds covered into the Treasury under subsection (b)(2).

"(3) Unless a claim is filed under this subsection within 5 years after the date of the disposal of the property to which the claim relates, the claim may not be considered by a court, the Secretary of Defense (in the case of a claim filed under paragraph (1)), or the Comptroller General of the United States (in the case of a claim filed under paragraph (2)).".

(b) REPEAL OF AUTHORITY FOR DEMONSTRATION PROGRAM.—Section 343 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1343) is repealed.

### SEC. 375. SALE OF MILITARY CLOTHING AND SUBSISTENCE AND OTHER SUPPLIES OF THE NAVY AND MARINE CORPS.

(a) IN GENERAL.—(1) Chapter 651 of title 10, United States Code, is amended by adding at the end the following new section:

### "§ 7606. Subsistence and other supplies: members of armed forces; veterans; executive or military departments and employees; prices

"(a)(1) The Secretary of the Navy shall procure and sell, for cash or credit—

"(A) articles designated by the Secretary to members of the Navy and Marine Corps; and

"(B) items of individual clothing and equipment to members of the Navy and Marine Corps, under such restrictions as the Secretary may prescribe.

"(2) An account of sales on credit shall be kept and the amount due reported to the Secretary. Except for articles and items acquired through the use of working capital funds under section 2208 of this title, sales of articles shall be at cost, and sales of individual clothing and equipment shall be at average current prices, including overhead, as determined by the Secretary.

"(b) The Secretary shall sell subsistence supplies to members of other armed forces at the prices at which like property is sold to members of the Navy and Marine Corps.

"(c) The Secretary may sell serviceable supplies, other than subsistence supplies, to members of other armed forces for the buyers' use in the service. The prices at which the supplies are sold shall be the same prices at which like property is sold to members of the Navy and Marine Corps.

"(d) A person who has been discharged honorably or under honorable conditions from the Army, Navy, Air Force or Marine Corps and who is receiving care and medical treatment from the Public Health Service or the Department of Veterans Affairs may buy subsistence supplies and other supplies, except articles of uniform, at the prices at which like property is sold to members of the Navy and Marine Corps.

"(e) Under such conditions as the Secretary may prescribe, exterior articles of uniform may be sold to a person who has been discharged honorably or under honorable conditions from the Navy or Marine Corps, at the prices at which like articles are sold to members of the Navy or Marine Corps. This subsection does not modify sections 772 or 773 of this title.

Regulations.

"(f) Under regulations prescribed by the Secretary, payment for subsistence supplies shall be made in cash or by commercial credit.

"(g)(1) The Secretary may provide for the procurement and sale of stores designated by the Secretary to such civilian officers and employees of the United States, and such other persons, as the Secretary considers proper—

"(A) at military installations outside the United States; and

"(B) subject to paragraph (2), at military installations inside the United States where the Secretary determines that it is impracticable for those civilian officers, employees, and persons to obtain such stores from commercial enterprises without impairing the efficient operation of military activities.

"(2) Sales to civilian officers and employees inside the United States may be made under paragraph (1) only to civilian officers and employees residing within military installations.

"(h) Appropriations for subsistence of the Navy or Marine Corps may be applied to the purchase of subsistence supplies for sale to members of the Navy and Marine Corps on active duty for the use of such members and their families.".

(2) The table of sections at the beginning of chapter 651 of such title is amended by adding at the end the following:

"7606. Subsistence and other supplies: members of armed forces; veterans; executive or military departments and employees; prices.".

(b) CONFORMING AMENDMENTS FOR OTHER ARMED FORCES.—(1) Section 4621 of such title is amended—

(A) by striking out "The branch, office, or officer designated by the Secretary of the Army" in subsection (a) and inserting in lieu thereof "The Secretary of the Army";

(B) by striking out "The branch, office, or officer designated by the Secretary" both places it appears in subsections (b) and (c) and inserting in lieu thereof "The Secretary"; and

(C) by inserting before the period at the end of subsection (f) the following: "or by commercial credit".

(2) Section 9621 of such title is amended—

(A) by striking out "The Air Force shall" in subsection (b) and inserting in lieu thereof "The Secretary shall"; and

(B) by inserting before the period at the end of subsection (f) the following: "or by commercial credit".

### SEC. 376. PERSONNEL SERVICES AND LOGISTICAL SUPPORT FOR CERTAIN ACTIVITIES HELD ON MILITARY INSTALLATIONS.

Section 2544 of title 10, United States Code, is amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following new subsection:

"(g) In the case of a Boy Scout Jamboree held on a military installation, the Secretary of Defense may provide personnel services and logistical support at the military installation in addition to the support authorized under subsections (a) and (d).".

### SEC. 377. RETENTION OF MONETARY AWARDS.

(a) MONETARY AWARDS.—Chapter 155 of title 10, United States Code, is amended by adding at the end the following new section:

### "§ 2610. Competitions for excellence: acceptance of monetary awards

"(a) ACCEPTANCE AUTHORIZED.—The Secretary of Defense may accept a monetary award given to the Department of Defense by a nongovernmental entity as a result of the participation of the Department in a competition carried out to recognize excellence or innovation in providing services or administering programs.

"(b) DISPOSITION OF AWARDS.—A monetary award accepted under subsection (a) shall be credited to one or more nonappropriated fund accounts supporting morale, welfare, and recreation activities for the command, installation, or other activity that is recognized for the award. Amounts so credited may be expended only for such activities.

"(c) INCIDENTAL EXPENSES.—Subject to such limitations as may be provided in appropriation Acts, appropriations available to the Department of Defense may be used to pay incidental expenses incurred by the Department to participate in a competition described in subsection (a) or to accept a monetary award under this section.

"(d) REGULATIONS AND REPORTING.—(1) The Secretary shall prescribe regulations to determine the disposition of monetary awards accepted under this section and the payment of incidental expenses under subsection (c).

"(2) At the end of each year, the Secretary shall submit t Congress a report for that year describing the disposition of monetary awards accepted under this section and the payment of incidental expenses under subsection (c).

"(e) TERMINATION.—The authority of the Secretary under thi section shall expire two years after the date of the enactmen of the National Defense Authorization Act for Fiscal Year 1996.'

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the followin new item:

"2610. Competitions for excellence: acceptance of monetary awards.".

### SEC. 378. PROVISION OF EQUIPMENT AND FACILITIES TO ASSIST I EMERGENCY RESPONSE ACTIONS.

Section 372 of title 10, United States Code, is amended–

(1) by inserting "(a) IN GENERAL.—" before "The Secretar of Defense"; and

(2) by adding at the end the following new subsection

"(b) EMERGENCIES INVOLVING CHEMICAL AND BIOLOGICA AGENTS.—(1) In addition to equipment and facilities described i subsection (a), the Secretary may provide an item referred to i paragraph (2) to a Federal, State, or local law enforcement o emergency response agency to prepare for or respond to an emergency involving chemical or biological agents if the Secretary determines that the item is not reasonably available from another source

"(2) An item referred to in paragraph (1) is any material o expertise of the Department of Defense appropriate for use i preparing for or responding to an emergency involving chemica or biological agents, including the following:

"(A) Training facilities.

"(B) Sensors.

"(C) Protective clothing.

"(D) Antidotes.".

### SEC. 379. REPORT ON DEPARTMENT OF DEFENSE MILITARY AN CIVIL DEFENSE PREPAREDNESS TO RESPOND TO EMERGENCIES RESULTING FROM A CHEMICAL, BIOLOGICAL RADIOLOGICAL, OR NUCLEAR ATTACK.

(a) REPORT.—(1) Not later than March 1, 1996, the Secretar of Defense and the Secretary of Energy shall submit to Congres a joint report on the military and civil defense plans and program of the Department of Defense to prepare for and respond to th effects of an emergency in the United States resulting from chemical, biological, radiological, or nuclear attack on the Unite States (hereinafter in this section referred to as an "attack-relate civil defense emergency").

(2) The report shall be prepared in consultation with the Director of the Federal Emergency Management Agency.

(b) CONTENT OF REPORT.—The report shall include the following:

(1) A discussion of the military and civil defense plan and programs of the Department of Defense for preparing fo and responding to an attack-related civil defense emergenc arising from an attack of a type for which the Departmen of Defense has a primary responsibility to respond.

(2) A discussion of the military and civil defense plan and programs of the Department of Defense for preparing fo

and providing a response to an attack-related civil defense emergency arising from an attack of a type for which the Department of Defense has responsibility to provide a supporting response.

(3) A description of any actions, and any recommended legislation, that the Secretaries consider necessary for improving the preparedness of the Department of Defense to respond effectively to an attack-related civil defense emergency.

# TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

## Subtitle A—Active Forces

### SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

10 USC 115 note.

(a) FISCAL YEAR 1996.—The Armed Forces are authorized strengths for active duty personnel as of September 30, 1996, as follows:

(1) The Army, 495,000, of which not more than 81,300 may be commissioned officers.

(2) The Navy, 428,340, of which not more than 58,870 may be commissioned officers.

(3) The Marine Corps, 174,000, of which not more than 17,978 may be commissioned officers.

(4) The Air Force, 388,200, of which not more than 75,928 may be commissioned officers.

(b) FLOOR ON END STRENGTHS.—(1) Chapter 39 of title 10, United States Code, is amended by adding at the end the following new section:

**"§ 691. Permanent end strength levels to support two major regional contingencies**

"(a) The end strengths specified in subsection (b) are the minimum strengths necessary to enable the armed forces to fulfill a national defense strategy calling for the United States to be able to successfully conduct two nearly simultaneous major regional contingencies.

"(b) Unless otherwise provided by law, the number of members of the armed forces (other than the Coast Guard) on active duty at the end of any fiscal year shall be not less than the following:

"(1) For the Army, 495,000.

"(2) For the Navy, 395,000.

"(3) For the Marine Corps, 174,000.

"(4) For the Air Force, 381,000.

"(c) No funds appropriated to the Department of Defense may be used to implement a reduction of the active duty end strength for any of the armed forces for any fiscal year below the level specified in subsection (b) unless the Secretary of Defense submits to Congress notice of the proposed lower end strength levels and a justification for those levels. No action may then be taken to implement such a reduction for that fiscal year until the end of the six-month period beginning on the date of the receipt of such notice by Congress.

"(d) For a fiscal year for which the active duty end strength authorized by law pursuant to section 115(a)(1)(A) of this title for any of the armed forces is identical to the number applicabl to that armed force under subsection (b), the Secretary of Defens may reduce that number by not more than 0.5 percent.

"(e) The number of members of the armed forces on activ duty shall be counted for purposes of this section in the sam manner as applies under section 115(a)(1) of this title.".

(2) The table of sections at the beginning of such chapte is amended by adding at the end the following new item:

"691. Permanent end strength levels to support two major regional contingencies.'

(c) ACTIVE COMPONENT END STRENGTH FLEXIBILITY.—Sectio 115(c)(1) of title 10, United States Code, is amended by strikin out "0.5 percent" and inserting in lieu thereof "1 percent".

10 USC 523 note.

### SEC. 402. TEMPORARY VARIATION IN DOPMA AUTHORIZED EN STRENGTH LIMITATIONS FOR ACTIVE DUTY AIR FORC AND NAVY OFFICERS IN CERTAIN GRADES.

(a) AIR FORCE OFFICERS.—In the administration of the limitation under section 523(a)(1) of title 10, United States Code, fo fiscal years 1996 and 1997, the numbers applicable to officer of the Air Force serving on active duty in the grades of major lieutenant colonel, and colonel shall be the numbers set forth fo that fiscal year in the following table (rather than the number determined in accordance with the table in that section):

| Fiscal year: | Number of officers who may be serving on active duty in the grade of: | | |
|---|---|---|---|
| | Major | Lieutenant colonel | Colonel |
| 1996 ................................ | 15,566 | 9,876 | 3,609 |
| 1997 ................................ | 15,645 | 9,913 | 3,627 |

(b) NAVY OFFICERS.—In the administration of the limitatio under section 523(a)(2) of title 10, United States Code, for fisca years 1996 and 1997, the numbers applicable to officers of th Navy serving on active duty in the grades of lieutenant commande commander, and captain shall be the numbers set forth for tha fiscal year in the following table (rather than the numbers determined in accordance with the table in that section):

| Fiscal year: | Number of officers who may be serving on active duty in the grade of: | | |
|---|---|---|---|
| | Lieutenant commander | Commander | Captain |
| 1996 ................................ | 11,924 | 7,390 | 3,234 |
| 1997 ................................ | 11,732 | 7,297 | 3,188 |

### SEC. 403. CERTAIN GENERAL AND FLAG OFFICERS AWAITING RETIREMENT NOT TO BE COUNTED.

(a) DISTRIBUTION OF OFFICERS ON ACTIVE DUTY IN GENERA AND FLAG OFFICER GRADES.—Section 525 of title 10, United State Code, is amended by adding at the end the following new subsection

"(d) An officer continuing to hold the grade of general or admira under section 601(b)(4) of this title after relief from the positio of Chairman of the Joint Chiefs of Staff, Chief of Staff of th Army, Chief of Naval Operations, Chief of Staff of the Air Force or Commandant of the Marine Corps shall not be counted fo purposes of this section.".

(b) NUMBER OF OFFICERS ON ACTIVE DUTY IN GRADE OF GENERAL OR ADMIRAL.—Section 528(b) of such title is amended—

(1) by inserting "(1)" after "(b)"; and

(2) by adding at the end the following:

"(2) An officer continuing to hold the grade of general or admiral under section 601(b)(4) of this title after relief from the position of Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, or Commandant of the Marine Corps shall not be counted for purposes of this section.".

(c) CLARIFICATION.—Section 601(b) of such title is amended—

(1) in the matter preceding paragraph (1), by striking out "of importance and responsibility designated" and inserting in lieu thereof "designated under subsection (a) or by law";

(2) in paragraph (1), by striking out "of importance and responsibility";

(3) in paragraph (2), by striking out "designating" and inserting in lieu thereof "designated under subsection (a) or by law"; and

(4) in paragraph (4), by inserting "under subsection (a) or by law" after "designated".

## Subtitle B—Reserve Forces

### SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

10 USC 12001 note.

(a) FISCAL YEAR 1996.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 1996, as follows:

(1) The Army National Guard of the United States, 373,000.
(2) The Army Reserve, 230,000.
(3) The Naval Reserve, 98,894.
(4) The Marine Corps Reserve, 42,274.
(5) The Air National Guard of the United States, 112,707.
(6) The Air Force Reserve, 73,969.
(7) The Coast Guard Reserve, 8,000.

(b) WAIVER AUTHORITY.—The Secretary of Defense may vary the end strength authorized by subsection (a) by not more than 2 percent.

(c) ADJUSTMENTS.—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component for a fiscal year shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year, and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

Whenever such units or such individual members are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be proportionately increased by the total authorized strengths of such units and by the total number of such individual members.

10 USC 12001 note.

### SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SU PORT OF THE RESERVES.

Within the end strengths prescribed in section 411(a), th reserve components of the Armed Forces are authorized, as September 30, 1996, the following number of Reserves to be servin on full-time active duty or full-time duty, in the case of member of the National Guard, for the purpose of organizing, administerin recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 23,39
(2) The Army Reserve, 11,575.
(3) The Naval Reserve, 17,587.
(4) The Marine Corps Reserve, 2,559.
(5) The Air National Guard of the United States, 10,06
(6) The Air Force Reserve, 628.

### SEC. 413. COUNTING OF CERTAIN ACTIVE COMPONENT PERSONNE ASSIGNED IN SUPPORT OF RESERVE COMPONENT TRAI ING.

Section 414(c) of the National Defense Authorization Act fo Fiscal Years 1992 and 1993 (Public Law 102–190; 10 U.S.C. 1200 note) is amended—

(1) by inserting “(1)” before “The Secretary”; and
(2) by adding at the end the following new paragrap

“(2) The Secretary of Defense may count toward the numbe of active component personnel required under paragraph (1) t be assigned to serve as advisers under the program under thi section any active component personnel who are assigned to a active component unit (A) that was established principally for th purpose of providing dedicated training support to reserve component units, and (B) the primary mission of which is to provid such dedicated training support.”.

### SEC. 414. INCREASE IN NUMBER OF MEMBERS IN CERTAIN GRADE AUTHORIZED TO SERVE ON ACTIVE DUTY IN SUPPORT O THE RESERVES.

(a) OFFICERS.—The table in section 12011(a) of title 10, Unite States Code, is amended to read as follows:

| “Grade | Army | Navy | Air Force | Marin Corps |
|---|---|---|---|---|
| Major or Lieutenant Commander | 3,219 | 1,071 | 643 | 140 |
| Lieutenant Colonel or Commander | 1,524 | 520 | 672 | 90 |
| Colonel or Navy Captain | 412 | 188 | 274 | 30”. |

(b) SENIOR ENLISTED MEMBERS.—The table in section 12012(a of such title is amended to read as follows:

| “Grade | Army | Navy | Air Force | Marin Corps |
|---|---|---|---|---|
| E–9 | 603 | 202 | 366 | 20 |
| E–8 | 2,585 | 429 | 890 | 94”. |

### SEC. 415. RESERVES ON ACTIVE DUTY IN SUPPORT OF COOPERATIV THREAT REDUCTION PROGRAMS NOT TO BE COUNTE

Section 115(d) of title 10, United States Code, is amende by adding at the end the following:

"(8) Members of the Selected Reserve of the Ready Reserve on active duty for more that 180 days to support programs described in section 1203(b) of the Cooperative Threat Reduction Act of 1993 (title XII of Public Law 103–160; 22 U.S.C. 5952(b)).".

### SEC. 416. RESERVES ON ACTIVE DUTY FOR MILITARY-TO-MILITARY CONTACTS AND COMPARABLE ACTIVITIES NOT TO BE COUNTED.

Section 168 of title 10, United States Code, is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection (f):

"(f) ACTIVE DUTY END STRENGTHS.—(1) A member of a reserve component referred to in paragraph (2) shall not be counted for purposes of the following personnel strength limitations:

"(A) The end strength for active-duty personnel authorized pursuant to section 115(a)(1) of this title for the fiscal year in which the member carries out the activities referred to in paragraph (2).

"(B) The authorized daily average for members in pay grades E–8 and E–9 under section 517 of this title for the calendar year in which the member carries out such activities.

"(C) The authorized strengths for commissioned officers under section 523 of this title for the fiscal year in which the member carries out such activities.

"(2) A member of a reserve component referred to in paragraph (1) is any member on active duty under an order to active duty for 180 days or more who is engaged in activities authorized under this section.".

## Subtitle C—Military Training Student Loads

### SEC. 421. AUTHORIZATION OF TRAINING STUDENT LOADS.

(a) IN GENERAL.—For fiscal year 1996, the components of the Armed Forces are authorized average military training loads as follows:

(1) The Army, 75,013.
(2) The Navy, 44,238.
(3) The Marine Corps, 26,095.
(4) The Air Force, 33,232.

(b) SCOPE.—The average military training student loads authorized for an armed force under subsection (a) apply to the active and reserve components of that armed force.

(c) ADJUSTMENTS.—The average military training student loads authorized in subsection (a) shall be adjusted consistent with the end strengths authorized in subtitles A and B. The Secretary of Defense shall prescribe the manner in which such adjustments shall be apportioned.

## Subtitle D—Authorization of Appropriations

### SEC. 431. AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PERSONNEL.

There is hereby authorized to be appropriated to the Department of Defense for military personnel for fiscal year 1996 a total of $69,191,008,000. The authorization in the preceding sentence supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 1996.

10 USC 115 note.

### SEC. 432. AUTHORIZATION FOR INCREASE IN ACTIVE-DUTY END STRENGTHS.

(a) AUTHORIZATION.—There is hereby authorized to be appropriated to the Department of Defense for fiscal year 1996 for military personnel the sum of $112,000,000. Any amount appropriated pursuant to this section shall be allocated, in such manner as the Secretary of Defense prescribes, among appropriations for active-component military personnel for that fiscal year and shall be available only to increase the number of members of the Armed Forces on active duty during that fiscal year (compared to the number of members that would be on active duty but for such appropriation).

(b) EFFECT ON END STRENGTHS.—The end-strength authorizations in section 401 shall each be deemed to be increased by such number as necessary to take account of additional members of the Armed Forces authorized by the Secretary of Defense pursuant to subsection (a).

# TITLE V—MILITARY PERSONNEL POLICY

## Subtitle A—Officer Personnel Policy

### SEC. 501. JOINT OFFICER MANAGEMENT.

(a) CRITICAL JOINT DUTY ASSIGNMENT POSITIONS.—Section 661(d)(2)(A) of title 10, United States Code, is amended by striking out “1,000” and inserting in lieu thereof “800”.

(b) ADDITIONAL QUALIFYING JOINT SERVICE.—Section 664 of such title is amended by adding at the end the following:

“(i) JOINT DUTY CREDIT FOR CERTAIN JOINT TASK FORCE ASSIGNMENTS.—(1) In the case of an officer who completes service in a qualifying temporary joint task force assignment, the Secretary of Defense, with the advice of the Chairman of the Joint Chiefs of Staff, may (subject to the criteria prescribed under paragraph (4)) grant the officer—

“(A) credit for having completed a full tour of duty in a joint duty assignment; or

“(B) credit countable for determining cumulative service in joint duty assignments.

“(2)(A) For purposes of paragraph (1), a qualifying temporary joint task force assignment of an officer is a temporary assignment, any part of which is performed by the officer on or after the date of the enactment of this subsection—

"(i) to the headquarters staff of a United States joint task force that is part of a unified command or the United States element of the headquarters staff of a multinational force; and

"(ii) with respect to which the Secretary of Defense determines that service of the officer in that assignment is equivalent to that which would be gained by the officer in a joint duty assignment.

"(B) An officer may not be granted credit under this subsection unless the officer is recommended for such credit by the Chairman of the Joint Chiefs of Staff.

"(3) Credit under paragraph (1) (including a determination under paragraph (2)(A)(ii) and a recommendation under paragraph (2)(B) with respect to such credit) may be granted only on a case-by-case basis in the case of an individual officer.

Regulations.

"(4) The Secretary of Defense shall prescribe by regulation criteria for determining whether an officer may be granted credit under paragraph (1) with respect to service in a qualifying temporary joint task force assignment. The criteria shall apply uniformly among the armed forces and shall include the following requirements:

"(A) For an officer to be credited as having completed a full tour of duty in a joint duty assignment, the length of the officer's service in the qualifying temporary joint task force assignment must meet the requirements of subsection (a) or (c).

"(B) For an officer to be credited with service for purposes of determining cumulative service in joint duty assignments, the officer must serve at least 90 consecutive days in the qualifying temporary joint task force assignment.

"(C) The service must be performed in support of a mission that is directed by the President or that is assigned by the President to United States forces in the joint task force involved.

"(D) The joint task force must be constituted or designated by the Secretary of Defense or by the commander of a combatant command or of another force.

"(E) The joint task force must conduct combat or combat-related operations in a unified action under joint or multinational command and control.

"(5) Officers for whom joint duty credit is granted pursuant to this subsection may not be taken into account for the purposes of any of the following provisions of this title: section 661(d)(1), section 662(a)(3), section 662(b), subsection (a) of this section, and paragraphs (7), (8), (9), (11), and (12) of section 667.

"(6) In the case of an officer credited with having completed a full tour of duty in a joint duty assignment pursuant to this subsection, the Secretary of Defense may waive the requirement in paragraph (1)(B) of section 661(c) of this title that the tour of duty in a joint duty assignment be performed after the officer completes a program of education referred to in paragraph (1)(A) of that section. The provisions of subparagraphs (C) and (D) of section 661(c)(3) of this title shall apply to such a waiver in the same manner as to a waiver under subparagraph (A) of that section.".

(c) Information in Annual Report.—Section 667 of such tit is amended by striking out paragraph (16) and inserting aft paragraph (15) the following new paragraph (16):

"(16) The number of officers granted credit for service i joint duty assignments under section 664(i) of this title and—

"(A) of those officers—

"(i) the number of officers credited with havin completed a tour of duty in a joint duty assignmen and

"(ii) the number of officers granted credit for pu poses of determining cumulative service in joint dut assignments; and

"(B) the identity of each operation for which an office has been granted credit pursuant to section 664(i) of thi title and a brief description of the mission of the operation.

(d) Applicability of Limitation on Waiver Authority.—Se tion 661(c)(3) of such title is amended—

(1) in the third sentence of subparagraph (D), by strikin out "The total number" and inserting in lieu thereof "In th case of officers in grades below brigadier general and rea admiral (lower half), the total number"; and

(2) by adding at the end the following new subparagraph

"(E) There may not be more than 32 general and flag officer on active duty at the same time who were selected for the join specialty while holding a general or flag officer grade and fo whom a waiver was granted under this subparagraph.".

(e) Length of Second Joint Tour.—Section 664 of such titl is amended—

(1) in subsection (e)(2), by inserting after subparagrap (B) the following:

"(C) Service described in subsection (f)(6), except that n more than 10 percent of all joint duty assignments show on the list published pursuant to section 668(b)(2)(A) of thi title may be so excluded in any year."; and

(2) in subsection (f)—

(A) in the matter preceding paragraph (1), by strikin out "completion of—" and inserting in lieu thereof "comple tion of any of the following:";

(B) by striking out "a" at the beginning of paragraph (1), (2), (4), and (5) and inserting in lieu thereof "A";

(C) by striking out "cumulative" in paragraph (3) an inserting in lieu thereof "Cumulative";

(D) by striking out the semicolon at the end of para graphs (1), (2), and (3) and "; or" at the end of paragrap (4) and inserting in lieu thereof a period; and

(E) by adding at the end the following:

"(6) A second joint duty assignment that is less than th period required under subsection (a), but not less than tw years, without regard to whether a waiver was granted fo such assignment under subsection (b).".

(f) Technical Amendment.—Section 664(e)(1) of such title i amended by striking out "(after fiscal year 1990)".

## SEC. 502. RETIRED GRADE FOR OFFICERS IN GRADES ABOVE MAJO GENERAL AND REAR ADMIRAL.

(a) Applicability of Time-in-Grade Requirements.—Sectio 1370 of title 10, United States Code, is amended—

(1) in subsection (a)(2)(A), by striking out "and below lieutenant general or vice admiral"; and

(2) in the first sentence of subsection (d)(2)(B), as added effective October 1, 1996, by section 1641 of the Reserve Officer Personnel Management Act (title XVI of Public Law 103–337; 108 Stat. 2968), by striking out "and below lieutenant general or vice admiral".

(b) RETIREMENT IN HIGHEST GRADE UPON CERTIFICATION OF SATISFACTORY SERVICE.—Subsection (c) of such section is amended to read as follows:

"(c) OFFICERS IN O–9 AND O–10 GRADES.—(1) An officer who is serving in or has served in the grade of general or admiral or lieutenant general or vice admiral may be retired in that grade under subsection (a) only after the Secretary of Defense certifies in writing to the President and Congress that the officer served on active duty satisfactorily in that grade.

"(2) In the case of an officer covered by paragraph (1), the three-year service-in-grade requirement in paragraph (2)(A) of subsection (a) may not be reduced or waived under that subsection—

"(A) while the officer is under investigation for alleged misconduct; or

"(B) while there is pending the disposition of an adverse personnel action against the officer for alleged misconduct.".

(c) REPEAL OF SUPERSEDED PROVISIONS.—Sections 3962(a), 5034, 5043(c), and 8962(a) of such title are repealed.

(d) TECHNICAL AND CLERICAL AMENDMENTS.—(1) Sections 3962(b) and 8962(b) of such title are amended by striking out "(b) Upon" and inserting in lieu thereof "Upon".

(2) The table of sections at the beginning of chapter 505 of such title is amended by striking out the item relating to section 5034.

(e) EFFECTIVE DATE FOR AMENDMENT TO PROVISION TAKING EFFECT IN 1996.—The amendment made by subsection (a)(2) shall take effect on October 1, 1996, immediately after subsection (d) of section 1370 of title 10, United States Code, takes effect under section 1691(b)(1) of the Reserve Officer Personnel Management Act (108 Stat. 3026).

10 USC 1370 note.

(f) PRESERVATION OF APPLICABILITY OF LIMITATION.—Section 1370(a)(2)(C) of title 10, United States Code, is amended by striking out "The number of officers in an armed force in a grade" and inserting in lieu thereof "In the case of a grade below the grade of lieutenant general or vice admiral, the number of members of one of the armed forces in that grade".

(g) STYLISTIC AMENDMENTS.—Section 1370 of title 10, United States Code, is further amended—

(1) in subsection (a), by striking out "(a)(1)" and inserting in lieu thereof "(a) RULE FOR RETIREMENT IN HIGHEST GRADE HELD SATISFACTORILY.—(1)";

(2) in subsection (b), by inserting "RETIREMENT IN NEXT LOWER GRADE.—" after "(b)"; and

(3) in subsection (d), as added effective October 1, 1996, by section 1641 of the Reserve Officer Personnel Management Act (title XVI of Public Law 103–337; 108 Stat. 2968), by striking out "(d)(1)" and inserting in lieu thereof "(d) RESERVE OFFICERS.—(1)".

### SEC. 503. WEARING OF INSIGNIA FOR HIGHER GRADE BEFORE PROMOTION.

(a) AUTHORITY AND LIMITATIONS.—(1) Chapter 45 of title 10 United States Code, is amended by adding at the end the followin new section:

### “§ 777. Wearing of insignia of higher grade before promotio (frocking): authority; restrictions

“(a) AUTHORITY.—An officer who has been selected for promotion to the next higher grade may be authorized, under regulations and policies of the Department of Defense and subject t subsection (b), to wear the insignia for that next higher grade An officer who is so authorized to wear the insignia of the nex higher grade is said to be ‘frocked’ to that grade.

“(b) RESTRICTIONS.—An officer may not be authorized to wea the insignia for a grade as described in subsection (a) unless—

“(1) the Senate has given its advice and consent to th appointment of the officer to that grade; and

“(2) the officer is serving in, or has received orders t serve in, a position for which that grade is authorized.

“(c) BENEFITS NOT TO BE CONSTRUED AS ACCRUING.—(1 Authority provided to an officer as described in subsection (a) t wear the insignia of the next higher grade may not be construe as conferring authority for that officer to—

“(A) be paid the rate of pay provided for an officer i that grade having the same number of years of service a that officer; or

“(B) assume any legal authority associated with that grade

“(2) The period for which an officer wears the insignia of th next higher grade under such authority may not be taken int account for any of the following purposes:

“(A) Seniority in that grade.

“(B) Time of service in that grade.

“(d) LIMITATION ON NUMBER OF OFFICERS FROCKED TO SPECIFIED GRADES.—(1) The total number of colonels and Navy captain on the active-duty list who are authorized as described in subsectio (a) to wear the insignia for the grade of brigadier general or rea admiral (lower half), as the case may be, may not exceed th following:

“(A) During fiscal years 1996 and 1997, 75.

“(B) During fiscal year 1998, 55.

“(C) After fiscal year 1998, 35.

“(2) The number of officers of an armed force on the active duty list who are authorized as described in subsection (a) t wear the insignia for a grade to which a limitation on total numbe applies under section 523(a) of this title for a fiscal year ma not exceed 1 percent of the total number provided for the officer in that grade in that armed force in the administration of th limitation under that section for that fiscal year.”.

(2) The table of sections at the beginning of such chapte is amended by adding at the end the following new item:

“777. Wearing of insignia of higher grade before promotion (frocking): authority; restrictions.”.

10 USC 777 note. (b) TEMPORARY VARIATION OF LIMITATIONS ON NUMBERS O FROCKED OFFICERS.—In the administration of section 777(d)(2) o title 10, United States Code (as added by subsection (a)), the percen

imitation applied under that section for fiscal year 1996 shall be 2 percent (instead of 1 percent).

(c) REPORT.—Not later than September 1, 1996, the Secretary of Defense shall submit to Congress a report providing the assessment of the Secretary on the practice, known as “frocking”, of authorizing an officer who has been selected for promotion to the next higher grade to wear the insignia for that next higher grade. The report shall include the Secretary’s assessment of the appropriate number, if any, of colonels and Navy captains to be eligible under section 777(d)(1) of title 10, United States Code (as added by subsection (a)), to wear the insignia for the grade of brigadier general or rear admiral (lower half).

### SEC. 504. AUTHORITY TO EXTEND TRANSITION PERIOD FOR OFFICERS SELECTED FOR EARLY RETIREMENT.

(a) SELECTIVE RETIREMENT OF WARRANT OFFICERS.—Section 581 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(e) The Secretary concerned may defer for not more than 90 days the retirement of an officer otherwise approved for early retirement under this section in order to prevent a personal hardship to the officer or for other humanitarian reasons. Any such deferral shall be made on a case-by-case basis considering the circumstances of the case of the particular officer concerned. The authority of the Secretary to grant such a deferral may not be delegated.”.

(b) SELECTIVE EARLY RETIREMENT OF ACTIVE-DUTY OFFICERS.—Section 638(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(3) The Secretary concerned may defer for not more than 90 days the retirement of an officer otherwise approved for early retirement under this section or section 638a of this title in order to prevent a personal hardship to the officer or for other humanitarian reasons. Any such deferral shall be made on a case-by-case basis considering the circumstances of the case of the particular officer concerned. The authority of the Secretary to grant such a deferral may not be delegated.”.

### SEC. 505. ARMY OFFICER MANNING LEVELS.

(a) IN GENERAL.—(1) Chapter 331 of title 10, United States Code, is amended by inserting after the table of sections the following new section:

### “§ 3201. Officers on active duty: minimum strength based on requirements

“(a) The Secretary of the Army shall ensure that (beginning with fiscal year 1999) the strength at the end of each fiscal year of officers on active duty is sufficient to enable the Army to meet at least that percentage of the programmed manpower structure for officers for the active component of the Army that is provided for in the most recent Defense Planning Guidance issued by the Secretary of Defense.

“(b) The number of officers on active duty shall be counted for purposes of this section in the same manner as applies under section 115(a)(1) of this title.

“(c) In this section:

“(1) The term ‘programmed manpower structure’ means the aggregation of billets describing the full manpower requirements for units and organizations in the programmed forc structure.

“(2) The term ‘programmed force structure’ means the se of units and organizations that exist in the current year an that is planned to exist in each future year under the then current Future-Years Defense Program.”.

(2) The table of sections at the beginning of such chapte is amended by inserting after “Sec.” the following new item:

“3201. Officers on active duty: minimum strength based on requirements.”.

10 USC 3201 note.

(b) ASSISTANCE IN ACCOMPLISHING REQUIREMENT.—The Secretar of Defense shall provide to the Army sufficient personnel and financial resources to enable the Army to meet the requirement specifie in section 3201 of title 10, United States Code, as added by subsection (a).

### SEC. 506. AUTHORITY FOR MEDICAL DEPARTMENT OFFICERS OTHE THAN PHYSICIANS TO BE APPOINTED AS SURGEON GENERAL.

(a) SURGEON GENERAL OF THE ARMY.—The third sentence section 3036(b) of title 10, United States Code, is amended b inserting after “The Surgeon General” the following: “may b appointed from officers in any corps of the Army Medical Department and”.

(b) SURGEON GENERAL OF THE NAVY.—Section 5137 of suc title is amended—

(1) in the first sentence of subsection (a), by striking ou “in the Medical Corps” and inserting in lieu thereof “in an corps of the Navy Medical Department”; and

(2) in subsection (b), by striking out “in the Medical Corps and inserting in lieu thereof “who is qualified to be the Chie of the Bureau of Medicine and Surgery”.

(c) SURGEON GENERAL OF THE AIR FORCE.—The first sentenc of section 8036 of such title is amended by striking out “designate as medical officers under section 8067(a) of this title” and insertin in lieu thereof “in the Air Force medical department”.

### SEC. 507. DEPUTY JUDGE ADVOCATE GENERAL OF THE AIR FORC

(a) TENURE AND GRADE OF DEPUTY JUDGE ADVOCATE GENERAL.—Section 8037(d)(1) of such title is amended—

(1) in the second sentence, by striking out “two years and inserting in lieu thereof “four years”; and

(2) by striking out the last sentence and inserting in lie thereof the following: “An officer appointed as Deputy Judg Advocate General who holds a lower regular grade shall b appointed in the regular grade of major general.”.

10 USC 8037 note.

(b) EFFECTIVE DATE.—The amendments made by subsectio (a) apply to any appointment to the position of Deputy Judg Advocate General of the Air Force that is made after the dat of the enactment of this Act.

### SEC. 508. AUTHORITY FOR TEMPORARY PROMOTIONS FOR CERTAI NAVY LIEUTENANTS WITH CRITICAL SKILLS.

(a) EXTENSION OF AUTHORITY.—Subsection (f) of section 572 of title 10, United States Code, is amended by striking out “September 30, 1995” and inserting in lieu thereof “September 30, 1996”

(b) LIMITATION.—Such section is further amended—

(1) by redesignating subsection (f), as amended by subsection (a), as subsection (g); and

(2) by inserting after subsection (e) the following new subsection (f):

“(f) LIMITATION ON NUMBER OF ELIGIBLE POSITIONS.—(1) An appointment under this section may only be made for service in a position designated by the Secretary of the Navy for purposes of this section. The number of positions so designated may not exceed 325.

Notice.

“(2) Whenever the Secretary makes a change to the positions designated under paragraph (1), the Secretary shall submit notice of the change in writing to Congress.”.

(c) REPORT.—Not later than April 1, 1996, the Secretary of Defense shall submit to Congress a report providing the Secretary’s assessment of that continuing need for the promotion authority under section 5721 of title 10, United States Code. The Secretary shall include in the report the following:

(1) The nature and grade structure of the positions for which such authority has been used.

(2) The cause or causes of the reported chronic shortages of qualified personnel in the required grade to fill the positions specified under paragraph (1).

(3) The reasons for the perceived inadequacy of the officer promotion system (including “below-the-zone” selections) to provide sufficient officers in the required grade to fill those positions.

(4) The extent to which a bonus program or some other program would be a more appropriate means of resolving the reported chronic shortages in engineering positions.

(d) CLERICAL AMENDMENTS.—Section 5721 of title 10, United States Code, is amended as follows:

(1) Subsection (a) is amended by inserting “PROMOTION AUTHORITY FOR CERTAIN OFFICER WITH CRITICAL SKILLS.—” after “(a)”.

(2) Subsection (b) is amended by inserting “STATUS OF OFFICERS APPOINTED.—” after “(b)”.

(3) Subsection (c) is amended by inserting “BOARD RECOMMENDATION REQUIRED.—” after “(c)”.

(4) Subsection (d) is amended by inserting “ACCEPTANCE AND EFFECTIVE DATE OF APPOINTMENT.—” after “(d)”.

(5) Subsection (e) is amended by inserting “TERMINATION OF APPOINTMENT.—” after “(e)”.

(6) Subsection (g), as redesignated by subsection (b)(1), is amended by inserting “TERMINATION OF APPOINTMENT AUTHORITY.—” after “(g)”.

10 USC 5721 note.

(e) EFFECTIVE DATE.—Subsection (f) of section 5721 of title 10, United States Code, as added by subsection (b)(2), shall take effect at the end of the 30-day period beginning on the date of the enactment of this Act and shall apply to any appointment under that section after the end of such period.

### SEC. 509. RETIREMENT FOR YEARS OF SERVICE OF DIRECTORS OF ADMISSIONS OF MILITARY AND AIR FORCE ACADEMIES.

(a) MILITARY ACADEMY.—(1) Section 3920 of title 10, United States Code, is amended to read as follows:

### "§ 3920. More than thirty years: permanent professors and the Director of Admissions of the United States Military Academy

"(a) The Secretary of the Army may retire an officer specified in subsection (b) who has more than 30 years of service as a commissioned officer.

"(b) Subsection (a) applies in the case of the following officers:

"(1) Any permanent professor of the United States Military Academy.

"(2) The Director of Admissions of the United States Military Academy.".

(2) The item relating to such section in the table of sections at the beginning of chapter 367 of such title is amended to read as follows:

"3920. More than thirty years: permanent professors and the Director of Admissions of the United States Military Academy.".

(b) AIR FORCE ACADEMY.—(1) Section 8920 of title 10, United States Code, is amended to read as follows:

### "§ 8920. More than thirty years: permanent professors and the Director of Admissions of the United States Air Force Academy

"(a) The Secretary of the Air Force may retire an officer specified in subsection (b) who has more than 30 years of service as a commissioned officer.

"(b) Subsection (a) applies in the case of the following officers:

"(1) Any permanent professor of the United States Air Force Academy.

"(2) The Director of Admissions of the United States Air Force Academy.".

(2) The item relating to such section in the table of sections at the beginning of chapter 867 of such title is amended to read as follows:

"8920. More than thirty years: permanent professors and the Director of Admissions of the United States Air Force Academy.".

## Subtitle B—Matters Relating to Reserve Components

### SEC. 511. EXTENSION OF CERTAIN RESERVE OFFICER MANAGEMENT AUTHORITIES.

(a) GRADE DETERMINATION AUTHORITY FOR CERTAIN RESERVE MEDICAL OFFICERS.—Sections 3359(b) and 8359(b) of title 10, United States Code, are each amended by striking out "September 30, 1995" and inserting in lieu thereof "September 30, 1996".

(b) PROMOTION AUTHORITY FOR CERTAIN RESERVE OFFICERS SERVING ON ACTIVE DUTY.—Sections 3380(d) and 8380(d) of title 10, United States Code, are each amended by striking out "September 30, 1995" and inserting in lieu thereof "September 30, 1996".

10 USC 3360 note.

(c) YEARS OF SERVICE FOR MANDATORY TRANSFER TO THE RETIRED RESERVE.—Section 1016(d) of the Department of Defense Authorization Act, 1984 (10 U.S.C. 3360) is amended by striking out "September 30, 1995" and inserting in lieu thereof "September 30, 1996".

**SEC. 512. MOBILIZATION INCOME INSURANCE PROGRAM FOR MEMBERS OF READY RESERVE.**

(a) ESTABLISHMENT OF PROGRAM.—(1) Subtitle E of title 10, United States Code, is amended by inserting after chapter 1213 the following new chapter:

## “CHAPTER 1214—READY RESERVE MOBILIZATION INCOME INSURANCE

“Sec.
“12521. Definitions.
“12522. Establishment of insurance program.
“12523. Risk insured.
“12524. Enrollment and election of benefits.
“12525. Benefit amounts.
“12526. Premiums.
“12527. Payment of premiums.
“12528. Reserve Mobilization Income Insurance Fund.
“12529. Board of Actuaries.
“12530. Payment of benefits.
“12531. Purchase of insurance.
“12532. Termination for nonpayment of premiums; forfeiture.

### “§ 12521. Definitions

“In this chapter:

“(1) The term ‘insurance program’ means the Ready Reserve Mobilization Income Insurance Program established under section 12522 of this title.

“(2) The term ‘covered service’ means active duty performed by a member of a reserve component under an order to active duty for a period of more than 30 days which specifies that the member’s service—

“(A) is in support of an operational mission for which members of the reserve components have been ordered to active duty without their consent; or

“(B) is in support of forces activated during a period of war declared by Congress or a period of national emergency declared by the President or Congress.

“(3) The term ‘insured member’ means a member of the Ready Reserve who is enrolled for coverage under the insurance program in accordance with section 12524 of this title.

“(4) The term ‘Secretary’ means the Secretary of Defense.

“(5) The term ‘Department’ means the Department of Defense.

“(6) The term ‘Board of Actuaries’ means the Department of Defense Education Benefits Board of Actuaries referred to in section 2006(e)(1) of this title.

“(7) The term ‘Fund’ means the Reserve Mobilization Income Insurance Fund established by section 12528(a) of this title.

### “§ 12522. Establishment of insurance program

“(a) ESTABLISHMENT.—The Secretary shall establish for members of the Ready Reserve (including the Coast Guard Reserve) an insurance program to be known as the ‘Ready Reserve Mobilization Income Insurance Program’.

“(b) ADMINISTRATION.—The insurance program shall be administered by the Secretary. The Secretary may prescribe in regulations such rules, procedures, and policies as the Secretary considers necessary or appropriate to carry out the insurance program.

"(c) AGREEMENT WITH SECRETARY OF TRANSPORTATION.—The Secretary and the Secretary of Transportation shall enter into an agreement with respect to the administration of the insurance program for the Coast Guard Reserve.

### "§ 12523. Risk insured

"(a) IN GENERAL.—The insurance program shall insure members of the Ready Reserve against the risk of being ordered into covered service.

"(b) ENTITLEMENT TO BENEFITS.—(1) An insured member ordered into covered service shall be entitled to payment of a benefit for each month (and fraction thereof) of covered service that exceeds 30 days of covered service, except that no member may be paid under the insurance program for more than 12 months of covered service served during any period of 18 consecutive months.

"(2) Payment shall be based solely on the insured status of a member and on the period of covered service served by the member. Proof of loss of income or of expenses incurred as a result of covered service may not be required.

### "§ 12524. Enrollment and election of benefits

"(a) ENROLLMENT.—(1) Except as provided in subsection (f), upon first becoming a member of the Ready Reserve, a member shall be automatically enrolled for coverage under the insurance program. An automatic enrollment of a member shall be void if within 60 days after first becoming a member of the Ready Reserve the member declines insurance under the program in accordance with the regulations prescribed by the Secretary.

"(2) Promptly after the insurance program is established, the Secretary shall offer to members of the reserve components who are then members of the Ready Reserve (other than members ineligible under subsection (f)) an opportunity to enroll for coverage under the insurance program. A member who fails to enroll within 60 days after being offered the opportunity shall be considered as having declined to be insured under the program.

"(3) A member of the Ready Reserve ineligible to enroll under subsection (f) shall be afforded an opportunity to enroll upon being released from active duty in accordance with regulations prescribed by the Secretary if the member has not previously had the opportunity to be enrolled under paragraph (1) or (2). A member who fails to enroll within 60 days after being afforded that opportunity shall be considered as having declined to be insured under the program.

"(b) ELECTION OF BENEFIT AMOUNT.—The amount of a member's monthly benefit under an enrollment shall be the basic benefit under subsection (a) of section 12525 of this title unless the member elects a different benefit under subsection (b) of such section within 60 days after first becoming a member of the Ready Reserve or within 60 days after being offered the opportunity to enroll, as the case may be.

"(c) ELECTIONS IRREVOCABLE.—(1) An election to decline insurance pursuant to paragraph (1) or (2) of subsection (a) is irrevocable.

"(2) The amount of coverage may not be increased after enrollment.

"(d) ELECTION TO TERMINATE.—A member may terminate an enrollment at any time.

"(e) INFORMATION TO BE FURNISHED.—The Secretary shall ensure that members referred to in subsection (a) are given a written explanation of the insurance program and are advised that they have the right to decline to be insured and, if not declined, to elect coverage for a reduced benefit or an enhanced benefit under subsection (b).

"(f) MEMBERS INELIGIBLE TO ENROLL.—Members of the Ready Reserve serving on active duty (or full-time National Guard duty) are not eligible to enroll for coverage under the insurance program. The Secretary may define any additional category of members of the Ready Reserve to be excluded from eligibility to purchase insurance under this chapter.

**"§ 12525. Benefit amounts**

"(a) BASIC BENEFIT.—The basic benefit for an insured member under the insurance program is $1,000 per month (as adjusted under subsection (d)).

"(b) REDUCED AND ENHANCED BENEFITS.—Under the regulations prescribed by the Secretary, a person enrolled for coverage under the insurance program may elect—

"(1) a reduced coverage benefit equal to one-half the amount of the basic benefit; or

"(2) an enhanced benefit in the amount of $1,500, $2,000, $2,500, $3,000, $3,500, $4,000, $4,500, or $5,000 per month (as adjusted under subsection (d)).

"(c) AMOUNT FOR PARTIAL MONTH.—The amount of insurance payable to an insured member for any period of covered service that is less than one month shall be determined by multiplying 1⁄30 of the monthly benefit rate for the member by the number of days of the covered service served by the member during such period.

"(d) ADJUSTMENT OF AMOUNTS.—(1) The Secretary shall determine annually the effect of inflation on benefits and shall adjust the amounts set forth in subsections (a) and (b)(2) to maintain the constant dollar value of the benefit.

"(2) If the amount of a benefit as adjusted under paragraph (1) is not evenly divisible by $10, the amount shall be rounded to the nearest multiple of $10, except that an amount evenly divisible by $5 but not by $10 shall be rounded to the next lower amount that is evenly divisible by $10.

**"§ 12526. Premiums**

"(a) ESTABLISHMENT OF RATES.—(1) The Secretary, in consultation with the Board of Actuaries, shall prescribe the premium rates for insurance under the insurance program.

"(2) The Secretary shall prescribe a fixed premium rate for each $1,000 of monthly insurance benefit. The premium amount shall be equal to the share of the cost attributable to insuring the member and shall be the same for all members of the Ready Reserve who are insured under the insurance program for the same benefit amount. The Secretary shall prescribe the rate on the basis of the best available estimate of risk and financial exposure, levels of subscription by members, and other relevant factors.

"(b) LEVEL PREMIUMS.—The premium rate prescribed for the first year of insurance coverage of an insured member shall be continued without change for subsequent years of insurance coverage, except that the Secretary, after consultation with the Board of Actuaries, may adjust the premium rate in order to fund inflation-adjusted benefit increases on an actuarially sound basis.

### “§ 12527. Payment of premiums

“(a) METHODS OF PAYMENT.—(1) The monthly premium for coverage of a member under the insurance program shall be deducted and withheld from the insured member’s pay for each month.

“(2) An insured member who does not receive pay on a monthly basis shall pay the Secretary directly the premium amount applicable for the level of benefits for which the member is insured.

“(b) ADVANCE PAY FOR PREMIUM.—The Secretary concerned may advance to an insured member the amount equal to the first insurance premium payment due under this chapter. The advance may be paid out of appropriations for military pay. An advance to a member shall be collected from the member either by deducting and withholding the amount from basic pay payable for the member or by collecting it from the member directly. No disbursing or certifying officer shall be responsible for any loss resulting from an advance under this subsection.

“(c) PREMIUMS TO BE DEPOSITED IN FUND.—Premium amounts deducted and withheld from the pay of insured members and premium amounts paid directly to the Secretary shall be credited monthly to the Fund.

### “§ 12528. Reserve Mobilization Income Insurance Fund

“(a) ESTABLISHMENT.—There is established on the books of the Treasury a fund to be known as the ‘Reserve Mobilization Income Insurance Fund’, which shall be administered by the Secretary of the Treasury. The Fund shall be used for the accumulation of funds in order to finance the liabilities of the insurance program on an actuarially sound basis.

“(b) ASSETS OF FUND.—There shall be deposited into the Fund the following:

“(1) Premiums paid under section 12527 of this title.

“(2) Any amount appropriated to the Fund.

“(3) Any return on investment of the assets of the Fund.

“(c) AVAILABILITY.—Amounts in the Fund shall be available for paying insurance benefits under the insurance program.

“(d) INVESTMENT OF ASSETS OF FUND.—The Secretary of the Treasury shall invest such portion of the Fund as is not in the judgment of the Secretary of Defense required to meet current liabilities. Such investments shall be in public debt securities with maturities suitable to the needs of the Fund, as determined by the Secretary of Defense, and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturities. The income on such investments shall be credited to the Fund.

“(e) ANNUAL ACCOUNTING.—At the beginning of each fiscal year, the Secretary, in consultation with the Board of Actuaries and the Secretary of the Treasury, shall determine the following:

“(1) The projected amount of the premiums to be collected, investment earnings to be received, and any transfers or appropriations to be made for the Fund for that fiscal year.

"(2) The amount for that fiscal year of any cumulative unfunded liability (including any negative amount or any gain to the Fund) resulting from payments of benefits.

"(3) The amount for that fiscal year (including any negative amount) of any cumulative actuarial gain or loss to the Fund.

### "§ 12529. Board of Actuaries

"(a) ACTUARIAL RESPONSIBILITY.—The Board of Actuaries shall have the actuarial responsibility for the insurance program.

"(b) VALUATIONS AND PREMIUM RECOMMENDATIONS.—The Board of Actuaries shall carry out periodic actuarial valuations of the benefits under the insurance program and determine a premium rate methodology for the Secretary to use in setting premium rates for the insurance program. The Board shall conduct the first valuation and determine a premium rate methodology not later than six months after the insurance program is established.

"(c) EFFECTS OF CHANGED BENEFITS.—If at the time of any actuarial valuation under subsection (b) there has been a change in benefits under the insurance program that has been made since the last such valuation and such change in benefits increases or decreases the present value of amounts payable from the Fund, the Board of Actuaries shall determine a premium rate methodology, and recommend to the Secretary a premium schedule, for the liquidation of any liability (or actuarial gain to the Fund) resulting from such change and any previous such changes so that the present value of the sum of the scheduled premium payments (or reduction in payments that would otherwise be made) equals the cumulative increase (or decrease) in the present value of such benefits.

"(d) ACTUARIAL GAINS OR LOSSES.—If at the time of any such valuation the Board of Actuaries determines that there has been an actuarial gain or loss to the Fund as a result of changes in actuarial assumptions since the last valuation or as a result of any differences, between actual and expected experience since the last valuation, the Board shall recommend to the Secretary a premium rate schedule for the amortization of the cumulative gain or loss to the Fund resulting from such changes in assumptions and any previous such changes in assumptions or from the differences in actual and expected experience, respectively, through an increase or decrease in the payments that would otherwise be made to the Fund.

"(e) INSUFFICIENT ASSETS.—If at any time liabilities of the Fund exceed assets of the Fund as a result of members of the Ready Reserve being ordered to active duty as described in section 12521(2) of this title, and funds are unavailable to pay benefits completely, the Secretary shall request the President to submit to Congress a request for a special appropriation to cover the unfunded liability. If appropriations are not made to cover an unfunded liability in any fiscal year, the Secretary shall reduce the amount of the benefits paid under the insurance program to a total amount that does not exceed the assets of the Fund expected to accrue by the end of such fiscal year. Benefits that cannot be paid because of such a reduction shall be deferred and may be paid only after and to the extent that additional funds become available.

"(f) DEFINITION OF PRESENT VALUE.—The Board of Actuaries shall define the term 'present value' for purposes of this subsection.

### “§ 12530. Payment of benefits

“(a) COMMENCEMENT OF PAYMENT.—An insured member who serves in excess of 30 days of covered service shall be paid the amount to which such member is entitled on a monthly basis beginning not later than one month after the 30th day of covered service.

Regulations.

“(b) METHOD OF PAYMENT.—The Secretary shall prescribe in the regulations the manner in which payments shall be made to the member or to a person designated in accordance with subsection (c).

“(c) DESIGNATED RECIPIENTS.—(1) A member may designate in writing another person (including a spouse, parent, or other person with an insurable interest, as determined in accordance with the regulations prescribed by the Secretary) to receive payments of insurance benefits under the insurance program.

“(2) A member may direct that payments of insurance benefits for a person designated under paragraph (1) be deposited with a bank or other financial institution to the credit of the designated person.

“(d) RECIPIENTS IN EVENT OF DEATH OF INSURED MEMBER.—Any insurance payable under the insurance program on account of a deceased member’s period of covered service shall be paid, upon the establishment of a valid claim, to the beneficiary or beneficiaries which the deceased member designated in writing. If no such designation has been made, the amount shall be payable in accordance with the laws of the State of the member’s domicile.

### “§ 12531. Purchase of insurance

“(a) PURCHASE AUTHORIZED.—The Secretary may, instead of or in addition to underwriting the insurance program through the Fund, purchase from one or more insurance companies a policy or policies of group insurance in order to provide the benefits required under this chapter. The Secretary may waive any requirement for full and open competition in order to purchase an insurance policy under this subsection.

“(b) ELIGIBLE INSURERS.—In order to be eligible to sell insurance to the Secretary for purposes of subsection (a), an insurance company shall—

“(1) be licensed to issue insurance in each of the 50 States and in the District of Columbia; and

“(2) as of the most recent December 31 for which information is available to the Secretary, have in effect at least one percent of the total amount of insurance that all such insurance companies have in effect in the United States.

“(c) ADMINISTRATIVE PROVISIONS.—(1) An insurance company that issues a policy for purposes of subsection (a) shall establish an administrative office at a place and under a name designated by the Secretary.

“(2) For the purposes of carrying out this chapter, the Secretary may use the facilities and services of any insurance company issuing any policy for purposes of subsection (a), may designate one such company as the representative of the other companies for such purposes, and may contract to pay a reasonable fee to the designated company for its services.

“(d) REINSURANCE.—The Secretary shall arrange with each insurance company issuing any policy for purposes of subsection (a) to reinsure, under conditions approved by the Secretary, portions of the total amount of the insurance under such policy or policies with such other insurance companies (which meet qualifying criteria prescribed by the Secretary) as may elect to participate in such reinsurance.

"(e) TERMINATION.—The Secretary may at any time terminate any policy purchased under this section.

### "§ 12532. Termination for nonpayment of premiums; forfeiture

"(a) TERMINATION FOR NONPAYMENT.—The coverage of a member under the insurance program shall terminate without prior notice upon a failure of the member to make required monthly payments of premiums for two consecutive months. The Secretary may provide in the regulations for reinstatement of insurance coverage terminated under this subsection.

"(b) FORFEITURE.—Any person convicted of mutiny, treason, spying, or desertion, or who refuses to perform service in the armed forces or refuses to wear the uniform of any of the armed forces shall forfeit all rights to insurance under this chapter.".

(2) The tables of chapters at the beginning of subtitle E, and at the beginning of part II of subtitle E, of title 10, United States Code, are amended by inserting after the item relating to chapter 1213 the following new item:

"1214. Ready Reserve Mobilization Income Insurance ........................................12521".

Federal Register, publication.
10 USC 12521 note.

(b) EFFECTIVE DATE.—The insurance program provided for in chapter 1214 of title 10, United States Code, as added by subsection (a), and the requirement for deductions and contributions for that program shall take effect on September 30, 1996, or on any earlier date declared by the Secretary and published in the Federal Register.

### SEC. 513. MILITARY TECHNICIAN FULL-TIME SUPPORT PROGRAM FOR ARMY AND AIR FORCE RESERVE COMPONENTS.

(a) REQUIREMENT OF ANNUAL AUTHORIZATION OF END STRENGTH.—(1) Section 115 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(g) Congress shall authorize for each fiscal year the end strength for military technicians for each reserve component of the Army and Air Force. Funds available to the Department of Defense for any fiscal year may not be used for the pay of a military technician during that fiscal year unless the technician fills a position that is within the number of such positions authorized by law for that fiscal year for the reserve component of that technician. This subsection applies without regard to section 129 of this title.".

10 USC 115 note.

(2) The amendment made by paragraph (1) does not apply with respect to fiscal year 1995.

10 USC 115 note.

(b) AUTHORIZATION FOR FISCAL YEARS 1996 AND 1997.—For each of fiscal years 1996 and 1997, the minimum number of military technicians, as of the last day of that fiscal year, for the Army and the Air Force (notwithstanding section 129 of title 10, United States Code) shall be the following:

(1) Army National Guard, 25,500.
(2) Army Reserve, 6,630.
(3) Air National Guard, 22,906.
(4) Air Force Reserve, 9,802.

(c) ADMINISTRATION OF MILITARY TECHNICIAN PROGRAM.—(1) Chapter 1007 of title 10, United States Code, is amended by adding at the end the following new section:

**"§ 10216. Military technicians**

"(a) PRIORITY FOR MANAGEMENT OF MILITARY TECHNICIANS.—(1) As a basis for making the annual request to Congress pursuant to section 115 of this title for authorization of end strengths for military technicians of the Army and Air Force reserve components, the Secretary of Defense shall give priority to supporting authorizations for dual status military technicians in the following high-priority units and organizations:

"(A) Units of the Selected Reserve that are scheduled to deploy no later than 90 days after mobilization.

"(B) Units of the Selected Reserve that are or will deploy to relieve active duty peacetime operations tempo.

"(C) Those organizations with the primary mission of providing direct support surface and aviation maintenance for the reserve components of the Army and Air Force, to the extent that the military technicians in such units would mobilize and deploy in a skill that is compatible with their civilian position skill.

"(2) For each fiscal year, the Secretary of Defense shall, for the high-priority units and organizations referred to in paragraph (1), seek to achieve a programmed manning level for military technicians that is not less than 90 percent of the programmed manpower structure for those units and organizations for military technicians for that fiscal year.

"(3) Military technician authorizations and personnel in high-priority units and organizations specified in paragraph (1) shall be exempt from any requirement (imposed by law or otherwise) for reductions in Department of Defense civilian personnel and shall only be reduced as part of military force structure reductions.

"(b) DUAL-STATUS REQUIREMENT.—The Secretary of Defense shall require the Secretary of the Army and the Secretary of the Air Force to establish as a condition of employment for each individual who is hired after the date of the enactment of this section as a military technician that the individual maintain membership in the Selected Reserve (so as to be a so-called 'dual-status' technician) and shall require that the civilian and military position skill requirements of dual-status military technicians be compatible. No Department of Defense funds may be spent for compensation for any military technician hired after the date of the enactment of this section who is not a member of the Selected Reserve, except that compensation may be paid for up to six months following loss of membership in the Selected Reserve if such loss of membership was not due to the failure to meet military standards.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"10216. Military technicians.".

(d) REVIEW OF RESERVE COMPONENT MANAGEMENT HEADQUARTERS.—(1) The Secretary of Defense shall, within six months after the date of the enactment of this Act, undertake steps to reduce, consolidate, and streamline management headquarters operations of the reserve components. As part of those steps, the Secretary shall identify those military technicians positions in such headquarters operations that are excess to the requirements of those headquarters.

(2) Of the military technicians positions that are identified under paragraph (1), the Secretary shall reallocate up to 95 percent of the annual funding required to support those positions for the purpose of creating new positions or filling existing positions in the high-priority units and activities specified in section 10216(a) of title 10, United States Code, as added by subsection (c).

(e) ANNUAL DEFENSE MANPOWER REQUIREMENTS REPORT.—Section 115a of title 10, United States Code, is amended by adding at the end the following new subsection:

"(h) In each such report, the Secretary shall include a separate report on the Army and Air Force military technician programs. The report shall include a presentation, shown by reserve component and shown both as of the end of the preceding fiscal year and for the next fiscal year, of the following:

"(1) The number of military technicians required to be employed (as specified in accordance with Department of Defense procedures), the number authorized to be employed under Department of Defense personnel procedures, and the number actually employed.

"(2) Within each of the numbers under paragraph (1)—

"(A) the number applicable to a reserve component management headquarter organization; and

"(B) the number applicable to high-priority units and organizations (as specified in section 10216(a) of this title).

"(3) Within each of the numbers under paragraph (1), the numbers of military technicians who are not themselves members of a reserve component (so-called 'single-status' technicians), with a further display of such numbers as specified in paragraph (2).".

### SEC. 514. REVISIONS TO ARMY GUARD COMBAT REFORM INITIATIVE TO INCLUDE ARMY RESERVE UNDER CERTAIN PROVISIONS AND MAKE CERTAIN REVISIONS.

(a) PRIOR ACTIVE DUTY PERSONNEL.—Section 1111 of the Army National Guard Combat Readiness Reform Act of 1992 (title XI of Public Law 102–484) is amended—

10 USC 10105 note.

(1) in the section heading, by striking out the first three words;

(2) by striking out subsections (a) and (b) and inserting in lieu thereof the following:

"(a) ADDITIONAL PRIOR ACTIVE DUTY OFFICERS.—The Secretary of the Army shall increase the number of qualified prior active-duty officers in the Army National Guard by providing a program that permits the separation of officers on active duty with at least two, but less than three, years of active service upon condition that the officer is accepted for appointment in the Army National Guard. The Secretary shall have a goal of having not fewer than 150 officers become members of the Army National Guard each year under this section.

"(b) ADDITIONAL PRIOR ACTIVE DUTY ENLISTED MEMBERS.—The Secretary of the Army shall increase the number of qualified prior active-duty enlisted members in the Army National Guard through the use of enlistments as described in section 8020 of the Department of Defense Appropriations Act, 1994 (Public Law 103–139). The Secretary shall enlist not fewer than 1,000 new enlisted members each year under enlistments described in that section."; and

(3) by striking out subsections (d) and (e).

10 USC 10105 note.

(b) SERVICE IN THE SELECTED RESERVE IN LIEU OF ACTIVE DUTY SERVICE FOR ROTC GRADUATES.—Section 1112(b) of such Act (106 Stat. 2537) is amended by striking out "National Guard" before the period at the end and inserting in lieu thereof "Selected Reserve".

10 USC 10105 note.

(c) REVIEW OF OFFICER PROMOTIONS.—Section 1113 of such Act (106 Stat. 2537) is amended—

(1) in subsection (a), by striking out "National Guard" both places it appears and inserting in lieu thereof "Selected Reserve"; and

(2) by striking out subsection (b) and inserting in lieu thereof the following:

"(b) COVERAGE OF SELECTED RESERVE COMBAT AND EARLY DEPLOYING UNITS.—(1) Subsection (a) applies to officers in all units of the Selected Reserve that are designated as combat units or that are designated for deployment within 75 days of mobilization.

Effective date.

"(2) Subsection (a) shall take effect with respect to officers of the Army Reserve, and with respect to officers of the Army National Guard in units not subject to subsection (a) as of the date of the enactment of the National Defense Authorization Act for Fiscal Year 1996, at the end of the 90-day period beginning on such date of enactment.".

10 USC 10105 note.

(d) INITIAL ENTRY TRAINING AND NONDEPLOYABLE PERSONNEL.—Section 1115 of such Act (106 Stat. 2538) is amended—

(1) in subsections (a) and (b), by striking out "National Guard" each place it appears and inserting in lieu thereof "Selected Reserve"; and

(2) in subsection (c)—

(A) by striking out "a member of the Army National Guard enters the National Guard" and inserting in lieu thereof "a member of the Army Selected Reserve enters the Army Selected Reserve"; and

(B) by striking out "from the Army National Guard".

10 USC 10105 note.

(e) ACCOUNTING OF MEMBERS WHO FAIL PHYSICAL DEPLOYABILITY STANDARDS.—Section 1116 of such Act (106 Stat. 2539) is amended by striking out "National Guard" each place it appears and inserting in lieu thereof "Selected Reserve".

(f) USE OF COMBAT SIMULATORS.—Section 1120 of such Act (106 Stat. 2539) is amended by inserting "and the Army Reserve" before the period at the end.

### SEC. 515. ACTIVE DUTY ASSOCIATE UNIT RESPONSIBILITY.

10 USC 10105 note.

(a) ASSOCIATE UNITS.—Subsection (a) of section 1131 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2540) is amended to read as follows:

"(a) ASSOCIATE UNITS.—The Secretary of the Army shall require—

"(1) that each ground combat maneuver brigade of the Army National Guard that (as determined by the Secretary) is essential for the execution of the National Military Strategy be associated with an active-duty combat unit; and

"(2) that combat support and combat service support units of the Army Selected Reserve that (as determined by the Secretary) are essential for the execution of the National Military Strategy be associated with active-duty units.".

(b) RESPONSIBILITIES.—Subsection (b) of such section is amended—

(1) by striking out "National Guard combat unit" in the matter preceding paragraph (1) and inserting in lieu thereof "National Guard unit or Army Selected Reserve unit that (as determined by the Secretary under subsection (a)) is essential for the execution of the National Military Strategy"; and

(2) by striking out "of the National Guard unit" in paragraphs (1), (2), (3), and (4) and inserting in lieu thereof "of that unit".

### SEC. 516. LEAVE FOR MEMBERS OF RESERVE COMPONENTS PERFORMING PUBLIC SAFETY DUTY.

(a) ELECTION OF LEAVE TO BE CHARGED.—Subsection (b) of section 6323 of title 5, United States Code, is amended by adding at the end the following: "Upon the request of an employee, the period for which an employee is absent to perform service described in paragraph (2) may be charged to the employee's accrued annual leave or to compensatory time available to the employee instead of being charged as leave to which the employee is entitled under this subsection. The period of absence may not be charged to sick leave.".

(b) PAY FOR PERIOD OF ABSENCE.—Section 5519 of such title is amended by striking out "entitled to leave" and inserting in lieu thereof "granted military leave".

### SEC. 517. DEPARTMENT OF DEFENSE FUNDING FOR NATIONAL GUARD PARTICIPATION IN JOINT DISASTER AND EMERGENCY ASSISTANCE EXERCISES.

Section 503(a) of title 32, United States Code, is amended—

(1) by inserting "(1)" after "(a)"; and

(2) by adding at the end the following:

"(2) Paragraph (1) includes authority to provide for participation of the National Guard in conjunction with the Army or the Air Force, or both, in joint exercises for instruction to prepare the National Guard for response to civil emergencies and disasters.".

## Subtitle C—Decorations and Awards

### SEC. 521. AWARD OF PURPLE HEART TO PERSONS WOUNDED WHILE HELD AS PRISONERS OF WAR BEFORE APRIL 25, 1962.

10 USC 1129 note.

(a) AWARD OF PURPLE HEART.—For purposes of the award of the Purple Heart, the Secretary concerned (as defined in section 101 of title 10, United States Code) shall treat a former prisoner of war who was wounded before April 25, 1962, while held as a prisoner of war (or while being taken captive) in the same manner as a former prisoner of war who is wounded on or after that date while held as a prisoner of war (or while being taken captive).

(b) STANDARDS FOR AWARD.—An award of the Purple Heart under subsection (a) shall be made in accordance with the standards in effect on the date of the enactment of this Act for the award of the Purple Heart to persons wounded on or after April 25, 1962.

(c) ELIGIBLE FORMER PRISONERS OF WAR.—A person shall be considered to be a former prisoner of war for purposes of this section if the person is eligible for the prisoner-of-war medal under section 1128 of title 10, United States Code.

10 USC 1130 note.

### SEC. 522. AUTHORITY TO AWARD DECORATIONS RECOGNIZING ACTS OF VALOR PERFORMED IN COMBAT DURING THE VIETNAM CONFLICT.

(a) FINDINGS.—Congress makes the following findings:

(1) The Ia Drang Valley (Pleiku) campaign, carried out by the Armed Forces in the Ia Drang Valley of Vietnam from October 23, 1965, to November 26, 1965, is illustrative of the many battles during the Vietnam conflict which pitted forces of the United States against North Vietnamese Army regulars and Viet Cong in vicious fighting.

(2) Accounts of those battles that have been published since the end of that conflict authoritatively document numerous and repeated acts of extraordinary heroism, sacrifice, and bravery on the part of members of the Armed Forces, many of which have never been officially recognized.

(3) In some of those battles, United States military units suffered substantial losses, with some units sustaining casualties in excess of 50 percent.

(4) The incidence of heavy casualties throughout the Vietnam conflict inhibited the timely collection of comprehensive and detailed information to support recommendations for awards recognizing acts of heroism, sacrifice, and bravery.

(5) Subsequent requests to the Secretaries of the military departments for review of award recommendations for such acts have been denied because of restrictions in law and regulations that require timely filing of such recommendations and documented justification.

(6) Acts of heroism, sacrifice, and bravery performed in combat by members of the Armed Forces deserve appropriate and timely recognition by the people of the United States.

(7) It is appropriate to recognize acts of heroism, sacrifice, or bravery that are belatedly, but properly, documented by persons who witnessed those acts.

(b) WAIVER OF TIME LIMITATIONS FOR RECOMMENDATIONS FOR AWARDS.—(1) Any decoration covered by paragraph (2) may be awarded, without regard to any time limit imposed by law or regulation for a recommendation for such award to any person for actions by that person in the Southeast Asia theater of operations while serving on active duty during the Vietnam era. The waiver of time limitations under this paragraph applies only in the case of awards for acts of valor for which a request for consideration is submitted under subsection (c).

(2) Paragraph (1) applies to any decoration (including any device in lieu of a decoration) that, during or after the Vietnam era and before the date of the enactment of this Act, was authorized by law or under regulations of the Department of Defense or the military department concerned to be awarded to members of the Armed Forces for acts of valor.

(c) REVIEW OF REQUESTS FOR CONSIDERATION OF AWARDS.—(1) The Secretary of each military department shall review each request for consideration of award of a decoration described in subsection (b) that are received by the Secretary during the one-year period beginning on the date of enactment of this Act.

(2) The Secretaries shall begin the review within 30 days after the date of the enactment of this Act and shall complete the review of each request for consideration not later than one year after the date on which the request is received.

(3) The Secretary may use the same process for carrying out the review as the Secretary uses for reviewing other recommendations for award of decorations to members of the Armed Forces under the Secretary's jurisdiction for valorous acts.

(d) REPORT.—(1) Upon completing the review of each such request under subsection (c), the Secretary shall submit a report on the review to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives.

(2) The report shall include, with respect to each request for consideration received, the following information:

(A) A summary of the request for consideration.

(B) The findings resulting from the review.

(C) The final action taken on the request for consideration.

(e) DEFINITION.—For purposes of this section:

(1) The term "Vietnam era" has the meaning given that term in section 101 of title 38, United States Code.

(2) The term "active duty" has the meaning given that term in section 101 of title 10, United States Code.

### SEC. 523. MILITARY INTELLIGENCE PERSONNEL PREVENTED BY SECRECY FROM BEING CONSIDERED FOR DECORATIONS AND AWARDS.

10 USC 1130 note.

(a) WAIVER ON RESTRICTIONS OF AWARDS.—(1) Any decoration covered by paragraph (2) may be awarded, without regard to any time limit imposed by law or regulation for a recommendation for such award, to any person for an act, achievement, or service that the person performed in carrying out military intelligence duties during the period beginning on January 1, 1940, and ending on December 31, 1990.

(2) Paragraph (1) applies to any decoration (including any device in lieu of a decoration) that, during or after the period described in paragraph (1) and before the date of the enactment of this Act, was authorized by law or under the regulations of the Department of Defense or the military department concerned to be awarded to a person for an act, achievement, or service performed by that person while serving on active duty.

(b) REVIEW OF REQUESTS FOR CONSIDERATION OF AWARDS.—(1) The Secretary of each military department shall review each request for consideration of award of a decoration described in subsection (a) that is received by the Secretary during the one-year period beginning on the date of the enactment of this Act.

(2) The Secretaries shall begin the review within 30 days after the date of the enactment of this Act and shall complete the review of each request for consideration not later than one year after the date on which the request is received.

(3) The Secretary may use the same process for carrying out the review as the Secretary uses for reviewing other recommendations for awarding decorations to members of the Armed Forces under the Secretary's jurisdiction for acts, achievements, or service.

(c) REPORT.—(1) Upon completing the review of each such request under subsection (b), the Secretary shall submit a report on the review to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives.

(2) The report shall include, with respect to each request for consideration reviewed, the following information:

(A) A summary of the request for consideration.

(B) The findings resulting from the review.

(C) The final action taken on the request for consideration.

(D) Administrative or legislative recommendations to improve award procedures with respect to military intelligence personnel.

(d) DEFINITION.—For purposes of this section, the term "active duty" has the meaning given such term in section 101 of title 10, United States Code.

Records.
10 USC 3741 note.

### SEC. 524. REVIEW REGARDING UPGRADING OF DISTINGUISHED-SERVICE CROSSES AND NAVY CROSSES AWARDED TO ASIAN-AMERICANS AND NATIVE AMERICAN PACIFIC ISLANDERS FOR WORLD WAR II SERVICE.

(a) REVIEW REQUIRED.—(1) The Secretary of the Army shall review the records relating to each award of the Distinguished-Service Cross, and the Secretary of the Navy shall review the records relating to each award of the Navy Cross, that was awarded to an Asian-American or a Native American Pacific Islander with respect to service as a member of the Armed Forces during World War II. The purpose of the review shall be to determine whether any such award should be upgraded to the Medal of Honor.

(2) If the Secretary concerned determines, based upon the review under paragraph (1), that such an upgrade is appropriate in the case of any person, the Secretary shall submit to the President a recommendation that the President award the Medal of Honor to that person.

(b) WAIVER OF TIME LIMITATIONS.—A Medal of Honor may be awarded to a person referred to in subsection (a) in accordance with a recommendation of the Secretary concerned under that subsection without regard to—

(1) section 3744, 6248, or 8744 of title 10, United States Code, as applicable; and

(2) any regulation or other administrative restriction on—

(A) the time for awarding the Medal of Honor; or

(B) the awarding of the Medal of Honor for service for which a Distinguished-Service Cross or Navy Cross has been awarded.

(c) DEFINITION.—For purposes of this section, the term "Native American Pacific Islander" means a Native Hawaiian and any other Native American Pacific Islander within the meaning of the Native American Programs Act of 1974 (42 U.S.C. 2991 et seq.).

10 USC 1130 note.

### SEC. 525. ELIGIBILITY FOR ARMED FORCES EXPEDITIONARY MEDAL BASED UPON SERVICE IN EL SALVADOR.

(a) IN GENERAL.—For the purpose of determining eligibility of members and former members of the Armed Forces for the Armed Forces Expeditionary Medal, the country of El Salvador during the period beginning on January 1, 1981 and ending on February 1, 1992, shall be treated as having been designated as an area and a period of time in which members of the Armed Forces participated in operations in significant numbers and otherwise met the general requirements for the award of that medal.

(b) INDIVIDUAL DETERMINATION.—The Secretary of the military department concerned shall determine whether individual members or former members of the Armed Forces who served in El Salvador during the period beginning on January 1, 1981 and ending on February 1, 1992 meet the individual service requirements for award of the Armed Forces Expeditionary Medal as established in applicable regulations. Such determinations shall be made as expeditiously as possible after the date of the enactment of this Act.

### SEC. 526. PROCEDURE FOR CONSIDERATION OF MILITARY DECORATIONS NOT PREVIOUSLY SUBMITTED IN TIMELY FASHION.

(a) IN GENERAL.—Chapter 57 of title 10, United States Code, is amended by adding at the end the following new section:

### “§ 1130. Consideration of proposals for decorations not previously submitted in timely fashion: procedures for review and recommendation

“(a) Upon request of a Member of Congress, the Secretary concerned shall review a proposal for the award or presentation of a decoration (or the upgrading of a decoration), either for an individual or a unit, that is not otherwise authorized to be presented or awarded due to limitations established by law or policy for timely submission of a recommendation for such award or presentation. Based upon such review, the Secretary shall make a determination as to the merits of approving the award or presentation of the decoration and the other determinations necessary to comply with subsection (b).

“(b) Upon making a determination under subsection (a) as to the merits of approving the award or presentation of the decoration, the Secretary concerned shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives and to the requesting member of Congress notice in writing of one of the following:

“(1) The award or presentation of the decoration does not warrant approval on the merits.

“(2) The award or presentation of the decoration warrants approval and a waiver by law of time restrictions prescribed by law is recommended.

“(3) The award or presentation of the decoration warrants approval on the merits and has been approved as an exception to policy.

“(4) The award or presentation of the decoration warrants approval on the merits, but a waiver of the time restrictions prescribed by law or policy is not recommended.

A notice under paragraph (1) or (4) shall be accompanied by a statement of the reasons for the decision of the Secretary.

“(c) Determinations under this section regarding the award or presentation of a decoration shall be made in accordance with the same procedures that apply to the approval or disapproval of the award or presentation of a decoration when a recommendation for such award or presentation is submitted in a timely manner as prescribed by law or regulation.

“(d) In this section:

“(1) The term ‘Member of Congress’ means—

“(A) a Senator; or

"(B) a Representative in, or a Delegate or Resident Commissioner to, Congress.

"(2) The term 'decoration' means any decoration or award that may be presented or awarded to a member or unit of the armed forces.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1130. Consideration of proposals for decorations not previously submitted in timely fashion: procedures for review and recommendation.".

# Subtitle D—Officer Education Programs

## PART I—SERVICE ACADEMIES

### SEC. 531. REVISION OF SERVICE OBLIGATION FOR GRADUATES OF THE SERVICE ACADEMIES.

(a) MILITARY ACADEMY.—Section 4348(a)(2)(B) of title 10, United States Code, is amended by striking out "six years" and inserting in lieu thereof "five years".

(b) NAVAL ACADEMY.—Section 6959(a)(2)(B) of such title is amended by striking out "six years" and inserting in lieu thereof "five years".

(c) AIR FORCE ACADEMY.—Section 9348(a)(2)(B) of such title is amended by striking out "six years" and inserting in lieu thereof "five years".

(d) REQUIREMENT FOR REVIEW AND REPORT.—(1) The Secretary of Defense shall review the effects that each of various periods of obligated active duty service for graduates of the United States Military Academy, the United States Naval Academy, and the United States Air Force Academy would have on the number and quality of the eligible and qualified applicants seeking appointment to such academies.

(2) Not later than April 1, 1996, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the Secretary's findings under the review, together with any recommended legislation regarding the minimum periods of obligated active duty service for graduates of the United States Military Academy, the United States Naval Academy, and the United States Air Force Academy.

10 USC 4348 note.

(e) APPLICABILITY.—The amendments made by this section apply to persons first admitted to the United States Military Academy, United States Naval Academy, and United States Air Force Academy after December 31, 1991.

### SEC. 532. NOMINATIONS TO SERVICE ACADEMIES FROM COMMONWEALTH OF THE NORTHERN MARIANAS ISLANDS.

(a) MILITARY ACADEMY.—Section 4342(a) of title 10, United States Code, is amended by inserting after paragraph (9) the following new paragraph:

"(10) One cadet from the Commonwealth of the Northern Marianas Islands, nominated by the resident representative from the commonwealth.".

(b) NAVAL ACADEMY.—Section 6954(a) of title 10, United States Code, is amended by inserting after paragraph (9) the following new paragraph:

"(10) One from the Commonwealth of the Northern Marianas Islands, nominated by the resident representative from the commonwealth.".

(c) AIR FORCE ACADEMY.—Section 9342(a) of title 10, United States Code, is amended by inserting after paragraph (9) the following new paragraph:

"(10) One cadet from the Commonwealth of the Northern Marianas Islands, nominated by the resident representative from the commonwealth.".

### SEC. 533. REPEAL OF REQUIREMENT FOR ATHLETIC DIRECTOR AND NONAPPROPRIATED FUND ACCOUNT FOR THE ATHLETICS PROGRAMS AT THE SERVICE ACADEMIES.

(a) UNITED STATES MILITARY ACADEMY.—(1) Section 4357 of title 10, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 403 of such title is amended by striking out the item relating to section 4357.

(b) UNITED STATES NAVAL ACADEMY.—Section 556 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2774) is amended by striking out subsections (b) and (e).

10 USC 6975, 6975 note.

(c) UNITED STATES AIR FORCE ACADEMY.—(1) Section 9356 of title 10, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 903 of such title is amended by striking out the item relating to section 9356.

### SEC. 534. REPEAL OF REQUIREMENT FOR PROGRAM TO TEST PRIVATIZATION OF SERVICE ACADEMY PREPARATORY SCHOOLS.

Section 536 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 10 U.S.C. 4331 note) is repealed.

## PART II—RESERVE OFFICER TRAINING CORPS

### SEC. 541. ROTC ACCESS TO CAMPUSES.

(a) IN GENERAL.—Chapter 49 of title 10, United States Code, is amended by adding at the end the following new section:

**"§ 983. Institutions of higher education that prohibit Senior ROTC units: denial of Department of Defense grants and contracts**

"(a) DENIAL OF DEPARTMENT OF DEFENSE GRANTS AND CONTRACTS.—(1) No funds appropriated or otherwise available to the Department of Defense may be made obligated by contract or by grant (including a grant of funds to be available for student aid) to any institution of higher education that, as determined by the Secretary of Defense, has an anti-ROTC policy and at which, as determined by the Secretary, the Secretary would otherwise maintain or seek to establish a unit of the Senior Reserve Officer Training Corps or at which the Secretary would otherwise enroll or seek to enroll students for participation in a unit of the Senior Reserve Officer Training Corps at another nearby institution of higher education.

"(2) In the case of an institution of higher education that is ineligible for Department of Defense grants and contracts by reason of paragraph (1), the prohibition under that paragraph shall cease to apply to that institution upon a determination by the Secretary that the institution no longer has an anti-ROTC policy.

"(b) NOTICE OF DETERMINATION.—Whenever the Secretary makes a determination under subsection (a) that an institution has an anti-ROTC policy, or that an institution previously determined to have an anti-ROTC policy no longer has such a policy, the Secretary—

"(1) shall transmit notice of that determination to the Secretary of Education and to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives; and

Federal Register, publication.

"(2) shall publish in the Federal Register notice of that determination and of the effect of that determination under subsection (a)(1) on the eligibility of that institution for Department of Defense grants and contracts.

"(c) SEMIANNUAL NOTICE IN FEDERAL REGISTER.—The Secretary shall publish in the Federal Register once every six months a list of each institution of higher education that is currently ineligible for Department of Defense grants and contracts by reason of a determination of the Secretary under subsection (a).

"(d) ANTI-ROTC POLICY.—In this section, the term 'anti-ROTC policy' means a policy or practice of an institution of higher education that—

"(1) prohibits, or in effect prevents, the Secretary of Defense from maintaining or establishing a unit of the Senior Reserve Officer Training Corps at that institution, or

"(2) prohibits, or in effect prevents, a student at that institution from enrolling in a unit of the Senior Reserve Officer Training Corps at another institution of higher education.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"983. Institutions of higher education that prohibit Senior ROTC units: denial of Department of Defense grants and contracts.".

### SEC. 542. ROTC SCHOLARSHIPS FOR THE NATIONAL GUARD.

(a) CLARIFICATION OF RESTRICTION ON ACTIVE DUTY.—Paragraph (2) of section 2107(h) of title 10, United States Code, is amended by inserting "full-time" before "active duty" in the second sentence.

(b) REDESIGNATION OF ROTC SCHOLARSHIPS.—Such paragraph is further amended by inserting after the first sentence the following new sentence: "A cadet designated under this paragraph who, having initially contracted for service as provided in subsection (b)(5)(A) and having received financial assistance for two years under an award providing for four years of financial assistance under this section, modifies such contract with the consent of the Secretary of the Army to provide for service as described in subsection (b)(5)(B), may be counted, for the year in which the contract is modified, toward the number of appointments required under the preceding sentence for financial assistance awarded for a period of four years.".

### SEC. 543. DELAY IN REORGANIZATION OF ARMY ROTC REGIONAL HEADQUARTERS STRUCTURE.

(a) DELAY.—The Secretary of the Army may not take any action to reorganize the regional headquarters and basic camp structure of the Reserve Officers Training Corps program of the

Army until six months after the date on which the report required by subsection (d) is submitted.

(b) COST-BENEFIT ANALYSIS.—The Secretary of the Army shall conduct a comparative cost-benefit analysis of various options for the reorganization of the regional headquarters and basic camp structure of the Army ROTC program. As part of such analysis, the Secretary shall measure each reorganization option considered against a common set of criteria.

(c) SELECTION OF REORGANIZATION OPTION FOR IMPLEMENTATION.—Based on the findings resulting from the cost-benefit analysis under subsection (b) and such other factors as the Secretary considers appropriate, the Secretary shall select one reorganization option for implementation. The Secretary may select an option for implementation only if the Secretary finds that the cost-benefit analysis and other factors considered clearly demonstrate that such option, better than any other option considered—

(1) provides the structure to meet projected mission requirements;

(2) achieves the most significant personnel and cost savings;

(3) uses existing basic and advanced camp facilities to the maximum extent possible;

(4) minimizes additional military construction costs; and

(5) makes maximum use of the reserve components to support basic and advanced camp operations, thereby minimizing the effect of those operations on active duty units.

(d) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report describing the reorganization option selected under subsection (c). The report shall include the results of the cost-benefit analysis under subsection (b) and a detailed rationale for the reorganization option selected.

### SEC. 544. DURATION OF FIELD TRAINING OR PRACTICE CRUISE REQUIRED UNDER THE SENIOR RESERVE OFFICERS' TRAINING CORPS PROGRAM.

Section 2104(b)(6)(A)(ii) of title 10, United States Code, is amended by striking out "not less than six weeks' duration" and inserting in lieu thereof "a duration".

### SEC. 545. ACTIVE DUTY OFFICERS DETAILED TO ROTC DUTY AT SENIOR MILITARY COLLEGES TO SERVE AS COMMANDANT AND ASSISTANT COMMANDANT OF CADETS AND AS TACTICAL OFFICERS.

(a) IN GENERAL.—Chapter 103 of title 10, United States Code, is amended by adding at the end the following new section:

**"§ 2111a. Detail of officers to senior military colleges**

"(a) DETAIL OF OFFICERS TO SERVE AS COMMANDANT OR ASSISTANT COMMANDANT OF CADETS.—(1) Upon the request of a senior military college, the Secretary of Defense may detail an officer on the active-duty list to serve as Commandant of Cadets at that college or (in the case of a college with an Assistant Commandant of Cadets) detail an officer on the active-duty list to serve as Assistant Commandant of Cadets at that college (but not both).

"(2) In the case of an officer detailed as Commandant of Cadets, the officer may, upon the request of the college, be assigned from among the Professor of Military Science, the Professor of Naval Science (if any), and the Professor of Aerospace Science (if any) at that college or may be in addition to any other officer detailed to that college in support of the program.

"(3) In the case of an officer detailed as Assistant Commandant of Cadets, the officer may, upon the request of the college, be assigned from among officers otherwise detailed to duty at that college in support of the program or may be in addition to any other officer detailed to that college in support of the program.

"(b) DESIGNATION OF OFFICERS AS TACTICAL OFFICERS.—Upon the request of a senior military college, the Secretary of Defense may authorize officers (other than officers covered by subsection (a)) who are detailed to duty as instructors at that college to act simultaneously as tactical officers (with or without compensation) for the Corps of Cadets at that college.

"(c) DETAIL OF OFFICERS.—The Secretary of a military department shall designate officers for detail to the program at a senior military college in accordance with criteria provided by the college. An officer may not be detailed to a senior military college without the approval of that college.

"(d) SENIOR MILITARY COLLEGES.—The senior military colleges are the following:

"(1) Texas A&M University.
"(2) Norwich College.
"(3) The Virginia Military Institute.
"(4) The Citadel.
"(5) Virginia Polytechnic Institute and State University.
"(6) North Georgia College.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2111a. Detail of officers to senior military colleges.".

## Subtitle E—Miscellaneous Reviews, Studies, and Reports

10 USC 113 note.

### SEC. 551. REPORT CONCERNING APPROPRIATE FORUM FOR JUDICIAL REVIEW OF DEPARTMENT OF DEFENSE PERSONNEL ACTIONS.

(a) ESTABLISHMENT.—The Secretary of Defense shall establish an advisory committee to consider issues relating to the appropriate forum for judicial review of Department of Defense administrative personnel actions.

(b) MEMBERSHIP.—(1) The committee shall be composed of five members, who shall be appointed by the Secretary of Defense after consultation with the Attorney General and the Chief Justice of the United States.

(2) All members of the committee shall be appointed not later than 30 days after the date of the enactment of this Act.

(c) DUTIES.—The committee shall review, and provide findings and recommendations regarding, the following matters with respect to judicial review of administrative personnel actions of the Department of Defense:

(1) Whether the existing forum for such review through the United States district courts provides appropriate and adequate review of such actions.

(2) Whether jurisdiction to conduct judicial review of such actions should be established in a single court in order to provide a centralized review of such actions and, if so, in which court that jurisdiction should be vested.

(d) REPORT.—(1) Not later than December 15, 1996, the committee shall submit to the Secretary of Defense a report setting forth its findings and recommendations, including its recommendations pursuant to subsection (c).

(2) Not later than January 1, 1997, the Secretary of Defense, after consultation with the Attorney General, shall transmit the committee's report to Congress. The Secretary may include in the transmittal any comments on the report that the Secretary or the Attorney General consider appropriate.

(e) TERMINATION OF COMMITTEE.—The committee shall terminate 30 days after the date of the submission of its report to Congress under subsection (d)(2).

10 USC 115 note.

## SEC. 552. COMPTROLLER GENERAL REVIEW OF PROPOSED ARMY END STRENGTH ALLOCATIONS.

(a) IN GENERAL.—During fiscal years 1996 through 2001, the Comptroller General of the United States shall analyze the plans of the Secretary of the Army for the allocation of assigned active component end strengths for the Army through the requirements process known as Total Army Analysis 2003 and through any subsequent similar requirements process of the Army that is conducted before 2002. The Comptroller General's analysis shall consider whether the proposed active component end strengths and planned allocation of forces for that period will be sufficient to implement the national military strategy. In monitoring those plans, the Comptroller General shall determine the extent to which the Army will be able during that period—

(1) to man fully the combat force based on the projected active component Army end strength for each of fiscal years 1996 through 2001;

(2) to meet the support requirements for the force and strategy specified in the report of the Bottom-Up Review, including requirements for operations other than war; and

(3) to streamline further Army infrastructure in order to eliminate duplication and inefficiencies and replace active duty personnel in overhead positions, whenever practicable, with civilian or reserve personnel.

(b) ACCESS TO DOCUMENTS, ETC.—The Secretary of the Army shall ensure that the Comptroller General is provided access, on a timely basis and in accordance with the needs of the Comptroller General, to all analyses, models, memoranda, reports, and other documents prepared or used in connection with the requirements process of the Army known as Total Army Analysis 2003 and any subsequent similar requirements process of the Army that is conducted before 2002.

(c) ANNUAL REPORT.—Not later than March 1 of each year through 2002, the Comptroller General shall submit to Congress a report on the findings and conclusions of the Comptroller General under this section.

### SEC. 553. REPORT ON MANNING STATUS OF HIGHLY DEPLOYABLE SUPPORT UNITS.

(a) REPORT.—Not later than September 30, 1996, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the units of the Armed Forces under the Secretary's jurisdiction—

(1) that (as determined by the Secretary of the military department concerned) are high-priority support units that would deploy early in a contingency operation or other crisis; and

(2) that are, as a matter of policy, managed at less than 100 percent of their authorized strengths.

(b) MATTERS TO BE INCLUDED.—The Secretary shall include in the report—

(1) the number of such high-priority support units (shown by type of unit) that are so managed;

(2) the level of manning within such high-priority support units; and

(3) with respect to each such unit, either the justification for manning of less than 100 percent or the status of corrective action.

### SEC. 554. REVIEW OF SYSTEM FOR CORRECTION OF MILITARY RECORDS.

(a) REVIEW OF PROCEDURES.—The Secretary of Defense shall review the system and procedures for the correction of military records used by the Secretaries of the military departments in the exercise of authority under section 1552 of title 10, United States Code, in order to identify potential improvements that could be made in the process for correcting military records to ensure fairness, equity, and (consistent with appropriate service to applicants) maximum efficiency. The Secretary may not delegate responsibility for the review to an officer or official of a military department.

(b) ISSUES REVIEWED.—In conducting the review, the Secretary shall consider (with respect to each Board for the Correction of Military Records) the following:

(1) The composition of the board and of the support staff for the board.

(2) Timeliness of final action.

(3) Independence of deliberations by the civilian board.

(4) The authority of the Secretary of the military department concerned to modify the recommendations of the board.

(5) Burden of proof and other evidentiary standards.

(6) Alternative methods for correcting military records.

(7) Whether the board should be consolidated with the Discharge Review Board of the military department.

(c) REPORT.—Not later than April 1, 1996, the Secretary of Defense shall submit a report on the results of the Secretary's review under this section to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives. The report shall contain the recommendations of the Secretary for improving the process for correcting military records in order to achieve the objectives referred to in subsection (a).

### SEC. 555. REPORT ON THE CONSISTENCY OF REPORTING OF FINGERPRINT CARDS AND FINAL DISPOSITION FORMS TO THE FEDERAL BUREAU OF INVESTIGATION.

(a) REPORT.—The Secretary of Defense shall submit to Congress a report on the consistency with which fingerprint cards and final disposition forms, as described in Criminal Investigations Policy Memorandum 10 issued by the Defense Inspector General on March 25, 1987, are reported by the Defense Criminal Investigative Organizations to the Federal Bureau of Investigation for inclusion in the Bureau's criminal history identification files. The report shall be prepared in consultation with the Director of the Federal Bureau of Investigation.

(b) MATTERS TO BE INCLUDED.—In the report, the Secretary shall—

(1) survey fingerprint cards and final disposition forms filled out in the past 24 months by each investigative organization;

(2) compare the fingerprint cards and final disposition forms filled out to all judicial and nonjudicial procedures initiated as a result of actions taken by each investigative service in the past 24 months;

(3) account for any discrepancies between the forms filled out and the judicial and nonjudicial procedures initiated;

(4) compare the fingerprint cards and final disposition forms filled out with the information held by the Federal Bureau of Investigation criminal history identification files;

(5) identify any weaknesses in the collection of fingerprint cards and final disposition forms and in the reporting of that information to the Federal Bureau of Investigation; and

(6) determine whether or not other law enforcement activities of the military services collect and report such information or, if not, should collect and report such information.

(c) SUBMISSION OF REPORT.—The report shall be submitted not later than one year after the date of the enactment of this Act.

(d) DEFINITION.—For the purposes of this section, the term "criminal history identification files", with respect to the Federal Bureau of Investigation, means the criminal history record system maintained by the Federal Bureau of Investigation based on fingerprint identification and any other method of positive identification.

## Subtitle F—Other Matters

### SEC. 561. EQUALIZATION OF ACCRUAL OF SERVICE CREDIT FOR OFFICERS AND ENLISTED MEMBERS.

(a) ENLISTED SERVICE CREDIT.—Section 972 of title 10, United States Code, is amended—

(1) by inserting "(a) ENLISTED MEMBERS REQUIRED TO MAKE UP TIME LOST.—" before "An enlisted member";

(2) by striking out paragraphs (3) and (4) and inserting in lieu thereof the following:

"(3) is confined by military or civilian authorities for more than one day in connection with a trial, whether before, during, or after the trial; or"; and

(3) by redesignating paragraph (5) as paragraph (4).

(b) OFFICER SERVICE CREDIT.—Such section is further amended by adding at the end the following:

"(b) OFFICERS NOT ALLOWED SERVICE CREDIT FOR TIME LOST.—In the case of an officer of an armed force who after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1996—

"(1) deserts;

"(2) is absent from his organization, station, or duty for more than one day without proper authority, as determined by competent authority;

"(3) is confined by military or civilian authorities for more than one day in connection with a trial, whether before, during, or after the trial; or

"(4) is unable for more than one day, as determined by competent authority, to perform his duties because of intemperate use of drugs or alcoholic liquor, or because of disease or injury resulting from his misconduct;

the period of such desertion, absence, confinement, or inability to perform duties may not be counted in computing, for any purpose other than basic pay under section 205 of title 37, the officer's length of service.".

(c) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

**"§ 972. Members: effect of time lost**

(2) The item relating to section 972 in the table of sections at the beginning of chapter 49 of such title is amended to read as follows:

"972. Members: effect of time lost.".

10 USC 1405.

(d) CONFORMING AMENDMENTS.—(1) Section 1405(c) is amended—

(A) by striking out "MADE UP.—Time" and inserting in lieu thereof "MADE UP OR EXCLUDED.—(1) Time";

(B) by striking out "section 972" and inserting in lieu thereof "section 972(a)";

(C) by inserting after "of this title" the following: ", or required to be made up by an enlisted member of the Navy, Marine Corps, or Coast Guard under that section with respect to a period of time after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1995,"; and

(D) by adding at the end the following:

"(2) Section 972(b) of this title excludes from computation of an officer's years of service for purposes of this section any time identified with respect to that officer under that section.".

(2) Chapter 367 of such title is amended—

(A) in section 3925(b), by striking out "section 972" and inserting in lieu thereof "section 972(a)"; and

(B) by adding at the end of section 3926 the following new subsection:

"(e) Section 972(b) of this title excludes from computation of an officer's years of service for purposes of this section any time identified with respect to that officer under that section.".

(3)(A) Chapter 571 of such title is amended by inserting after section 6327 the following new section:

### “§ 6328. Computation of years of service: voluntary retirement

“(a) ENLISTED MEMBERS.—Time required to be made up under section 972(a) of this title after the date of the enactment of this section may not be counted in computing years of service under this chapter.

“(b) OFFICERS.—Section 972(b) of this title excludes from computation of an officer’s years of service for purposes of this chapter any time identified with respect to that officer under that section.”.

(B) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 6327 the following new item:

“6328. Computation of years of service: voluntary retirement.”.

(4) Chapter 867 of such title is amended—

(A) in section 8925(b), by striking out “section 972” and inserting in lieu thereof “section 972(a)”; and

(B) by adding at the end of section 8926 the following new subsection:

“(d) Section 972(b) of this title excludes from computation of an officer’s years of service for purposes of this section any time identified with respect to that officer under that section.”.

(e) EFFECTIVE DATE AND APPLICABILITY.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to any period of time covered by section 972 of title 10, United States Code, that occurs after that date. 10 USC 972 note.

### SEC. 562. ARMY RANGER TRAINING.

(a) IN GENERAL.—(1) Chapter 401 of title 10, United States Code, is amended by inserting after section 4302 the following new section:

### “§ 4303. Army Ranger training: instructor staffing; safety

“(a) LEVELS OF PERSONNEL ASSIGNED.—(1) The Secretary of the Army shall ensure that at all times the number of officers, and the number of enlisted members, permanently assigned to the Ranger Training Brigade (or other organizational element of the Army primarily responsible for Ranger student training) are not less than 90 percent of the required manning spaces for officers, and for enlisted members, respectively, for that brigade.

“(2) In this subsection, the term ‘required manning spaces’ means the number of personnel spaces for officers, and the number of personnel spaces for enlisted members, that are designated in Army authorization documents as the number required to accomplish the missions of a particular unit or organization.

“(b) TRAINING SAFETY CELLS.—(1) The Secretary of the Army shall establish and maintain an organizational entity known as a ‘safety cell’ as part of the organizational elements of the Army responsible for conducting each of the three major phases of the Ranger Course. The safety cell in each different geographic area of Ranger Course training shall be comprised of personnel who have sufficient continuity and experience in that geographic area of such training to be knowledgeable of the local conditions year-round, including conditions of terrain, weather, water, and climate and other conditions and the potential effect on those conditions on Ranger student training and safety.

“(2) Members of each safety cell shall be assigned in sufficient numbers to serve as advisers to the officers in charge of the major phase of Ranger training and shall assist those officers in making informed daily ‘go’ and ‘no-go’ decisions regarding training in light of all relevant conditions, including conditions of terrain, weather, water, and climate and other conditions.”.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 4302 the following new item:

“4303. Army Ranger training: instructor staffing; safety.”.

10 USC 4303 note.

(b) ACCOMPLISHMENT OF REQUIRED MANNING LEVELS.—(1) If, as of the date of the enactment of this Act, the number of officers, and the number of enlisted members, permanently assigned to the Army Ranger Training Brigade are not each at (or above) the requirement specified in subsection (a) of section 4303 of title 10, United States Code, as added by subsection (a), the Secretary of the Army shall—

(A) take such steps as necessary to accomplish that requirement within 12 months after such date of enactment; and

(B) submit to Congress, not later than 90 days after such date of enactment, a plan to achieve and maintain that requirement.

(2) The requirement specified in subsection (a) of section 4303 of title 10, United States Code, as added by subsection (a), shall expire two years after the date (on or after the date of the enactment of this Act) on which the required manning levels referred to in paragraph (1) are first attained.

Reports.

(c) GAO ASSESSMENT.—(1) Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report providing a preliminary assessment of the implementation and effectiveness of all corrective actions taken by the Army as a result of the February 1995 accident at the Florida Ranger Training Camp, including an evaluation of the implementation of the required manning levels established by subsection (a) of section 4303 of title 10, United States Code as added by subsection (a).

(2) At the end of the two-year period specified in subsection (b)(2), the Comptroller General shall submit to Congress a report providing a final assessment of the matters covered in the preliminary report under paragraph (1). The report shall include the Comptroller General’s recommendation as to the need to continue required statutory manning levels as specified in subsection (a) of section 4303 of title 10, United States Code, as added by subsection (a).

(d) SENSE OF CONGRESS.—In light of requirement that particularly dangerous training activities (such as Ranger training, Search Evasion, Rescue, and Escape (SERE) training, SEAL training, and Airborne training) must be adequately manned and resourced to ensure safety and effective oversight, it is the sense of Congress—

(1) that the Secretary of Defense, in conjunction with the Secretaries of the military departments, should review and if necessary, enhance oversight of all such training activities and

(2) that organizations similar to the safety cells required to be established for Army Ranger training in section 4303 of title 10, United States Code, as added by subsection (a) should (when appropriate) be used for all such training activities.

### SEC. 563. SEPARATION IN CASES INVOLVING EXTENDED CONFINEMENT.

(a) SEPARATION.—(1)(A) Chapter 59 of title 10, United States Code, is amended by inserting after section 1166 the following new section:

### "§ 1167. Members under confinement by sentence of court-martial: separation after six months confinement

"Except as otherwise provided in regulations prescribed by the Secretary of Defense, a member sentenced by a court-martial to a period of confinement for more than six months may be separated from the member's armed force at any time after the sentence to confinement has become final under chapter 47 of this title and the person has served in confinement for a period of six months.".

(B) The table of sections at the beginning of chapter 59 of such title is amended by inserting after the item relating to section 1166 the following new item:

"1167. Members under confinement by sentence of court-martial: separation after six months confinement.".

(2)(A) Chapter 1221 of title 10, United States Code, is amended by adding at the end the following:

### "§ 12687. Reserves under confinement by sentence of court-martial: separation after six months confinement

"Except as otherwise provided in regulations prescribed by the Secretary of Defense, a Reserve sentenced by a court-martial to a period of confinement for more than six months may be separated from that Reserve's armed force at any time after the sentence to confinement has become final under chapter 47 of this title and the Reserve has served in confinement for a period of six months.".

(B) The table of sections at the beginning of chapter 1221 of such title is amended by inserting at the end thereof the following new item:

"12687. Reserves under confinement by sentence of court-martial: separation after six months confinement.".

(b) DROP FROM ROLLS.—(1) Section 1161(b) of title 10, United States Code, is amended by striking out "or (2)" and inserting in lieu thereof "(2) who may be separated under section 1178 of this title by reason of a sentence to confinement adjudged by a court-martial, or (3)".

(2) Section 12684 of such title is amended—

(A) by striking out "or" at the end of paragraph (1);

(B) by redesignating paragraph (2) as paragraph (3); and

(C) by inserting after paragraph (1) the following new paragraph (2):

"(2) who may be separated under section 12687 of this title by reason of a sentence to confinement adjudged by a court-martial; or".

### SEC. 564. LIMITATIONS ON REDUCTIONS IN MEDICAL PERSONNEL.

(a) IN GENERAL.—(1) Chapter 3 of title 10, United States Code, is amended by inserting after section 129b the following new section:

**"§ 129c. Medical personnel: limitations on reductions**

"(a) LIMITATION ON REDUCTION.—For any fiscal year, the Secretary of Defense may not make a reduction in the number of medical personnel of the Department of Defense described in subsection (b) unless the Secretary makes a certification for that fiscal year described in subsection (c).

"(b) COVERED REDUCTIONS.—Subsection (a) applies to a reduction in the number of medical personnel of the Department of Defense as of the end of a fiscal year to a number that is less than—

"(1) 95 percent of the number of such personnel at the end of the immediately preceding fiscal year; or

"(2) 90 percent of the number of such personnel at the end of the third fiscal year preceding the fiscal year.

"(c) CERTIFICATION.—A certification referred to in subsection (a) with respect to reductions in medical personnel of the Department of Defense for any fiscal year is a certification by the Secretary of Defense to Congress that—

"(1) the number of medical personnel being reduced is excess to the current and projected needs of the Department of Defense; and

"(2) such reduction will not result in an increase in the cost of health care services provided under the Civilian Health and Medical Program of the Uniformed Services under chapter 55 of this title.

"(d) POLICY FOR IMPLEMENTING REDUCTIONS.—Whenever the Secretary of Defense directs that there be a reduction in the total number of military medical personnel of the Department of Defense, the Secretary shall require that the reduction be carried out so as to ensure that the reduction is not exclusively or disproportionately borne by any one of the armed forces and is not exclusively or disproportionately borne by either the active or the reserve components.

"(e) DEFINITION.—In this section, the term 'medical personnel' means—

"(1) the members of the armed forces covered by the term 'medical personnel' as defined in section 115a(g)(2) of this title; and

"(2) the civilian personnel of the Department of Defense assigned to military medical facilities.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 129b the following new item:

"129c. Medical personnel: limitations on reductions.".

10 USC 129c note.

(b) SPECIAL TRANSITION RULE FOR FISCAL YEAR 1996.—For purposes of applying subsection (b)(1) of section 129c of title 10, United States Code, as added by subsection (a), during fiscal year 1996, the number against which the percentage limitation of 95 percent is computed shall be the number of medical personnel of the Department of Defense as of the end of fiscal year 1994 (rather than the number as of the end of fiscal year 1995).

(c) REPORT ON PLANNED REDUCTIONS.—(1) Not later than March 1, 1996, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a plan for the reduction of the number of medical personnel of the Department of Defense over the five-year period beginning on October 1, 1996.

(2) The Secretary shall prepare the plan through the Assistant Secretary of Defense having responsibility for health affairs, who shall consult in the preparation of the plan with the Surgeon General of the Army, the Surgeon General of the Navy, and the Surgeon General of the Air Force.

(3) For purposes of this subsection, the term "medical personnel of the Department of Defense" shall have the meaning given the term "medical personnel" in section 129c(e) of title 10, United States Code, as added by subsection (a).

(d) REPEAL OF SUPERSEDED PROVISIONS OF LAW.—The following provisions of law are repealed:

(1) Section 711 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 115 note).

(2) Subsection (b) of section 718 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 10 U.S.C. 115 note).

(3) Section 518 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 10 U.S.C. 12001 note).

### SEC. 565. SENSE OF CONGRESS CONCERNING PERSONNEL TEMPO RATES.

(a) FINDINGS.—Congress makes the following findings:

(1) Excessively high personnel tempo rates for members of the Armed Forces resulting from high-tempo unit operations degrades unit readiness and morale and eventually can be expected to adversely affect unit retention.

(2) The Armed Forces have begun to develop methods to measure and manage personnel tempo rates.

(3) The Armed Forces have attempted to reduce operations and personnel tempo for heavily tasked units by employing alternative capabilities and reducing tasking requirements.

(b) SENSE OF CONGRESS.—The Secretary of Defense should continue to enhance the knowledge within the Armed Forces of personnel tempo and to improve the techniques by which personnel tempo is defined and managed with a view toward establishing and achieving reasonable personnel tempo standards for all personnel, regardless of service, unit, or assignment.

### SEC. 566. SEPARATION BENEFITS DURING FORCE REDUCTION FOR OFFICERS OF COMMISSIONED CORPS OF NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

(a) SEPARATION BENEFITS.—Subsection (a) of section 3 of the Act of August 10, 1956 (33 U.S.C. 857a), is amended by adding at the end the following new paragraph:

"(15) Section 1174a, special separation benefits (except that benefits under subsection (b)(2)(B) of such section are subject to the availability of appropriations for such purpose and are provided at the discretion of the Secretary of Commerce).".

(b) TECHNICAL CORRECTIONS.—Such section is further amended—

(1) by striking out "Coast and Geodetic Survey" in subsections (a) and (b) and inserting in lieu thereof "commissioned officer corps of the National Oceanic and Atmospheric Administration"; and

(2) in subsection (a), by striking out "including changes in those rules made after the effective date of this Act" in the matter preceding paragraph (1) and inserting in lieu thereof "as those provisions are in effect from time to time".

10 USC 1293 note.

(c) TEMPORARY EARLY RETIREMENT AUTHORITY.—Section 4403 (other than subsection (f)) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2702; 10 U.S.C. 1293 note) shall apply to the commissioned officer corps of the National Oceanic and Atmospheric Administration in the same manner and to the same extent as that section applies to the Department of Defense. The Secretary of Commerce shall implement the provisions of that section with respect to such commissioned officer corps and shall apply the provisions of that section to the provisions of the Coast and Geodetic Survey Commissioned Officers' Act of 1948 relating to the retirement of members of such commissioned officer corps.

33 USC 857a note.

(d) EFFECTIVE DATE.—This section shall apply only to members of the commissioned officer corps of the National Oceanic and Atmospheric Administration who are separated after September 30, 1995.

### SEC. 567. DISCHARGE OF MEMBERS OF THE ARMED FORCES WHO HAVE THE HIV–1 VIRUS.

(a) IN GENERAL.—(1) Section 1177 of title 10, United States Code, is amended to read as follows:

### "§ 1177. Members infected with HIV–1 virus: mandatory discharge or retirement

"(a) MANDATORY SEPARATION.—A member of the armed forces who is HIV-positive shall be separated. Such separation shall be made on a date determined by the Secretary concerned, which shall be as soon as practicable after the date on which the determination is made that the member is HIV-positive and not later than the last day of the sixth month beginning after such date.

"(b) FORM OF SEPARATION.—If a member to be separated under this section is eligible to retire under any provision of law or to be transferred to the Fleet Reserve or Fleet Marine Corps Reserve, the member shall be so retired or so transferred. Otherwise, the member shall be discharged. The characterization of the service of the member shall be determined without regard to the determination that the member is HIV-positive.

"(c) DEFERRAL OF SEPARATION FOR MEMBERS IN 18-YEAR RETIREMENT SANCTUARY.—In the case of a member to be discharged under this section who on the date on which the member is to be discharged is within two years of qualifying for retirement under any provision of law, or of qualifying for transfer to the Fleet Reserve or Fleet Marine Corps Reserve under section 6330 of this title, the member may, as determined by the Secretary concerned, be retained on active duty until the member is qualified for retirement or transfer to the Fleet Reserve or Fleet Marine Corps Reserve, as the case may be, and then be so retired or transferred, unless the member is sooner retired or discharged under any other provision of law.

"(d) SEPARATION TO BE CONSIDERED INVOLUNTARY.—A separation under this section shall be considered to be an involuntary separation for purposes of any other provision of law.

"(e) ENTITLEMENT TO HEALTH CARE.—A member separated under this section shall be entitled to medical and dental care under chapter 55 of this title to the same extent and under the same conditions as a person who is entitled to such care under section 1074(b) of this title.

"(f) COUNSELING ABOUT AVAILABLE MEDICAL CARE.—A member to be separated under this section shall be provided information, in writing, before such separation of the available medical care (through the Department of Veterans Affairs and otherwise) to treat the member's condition. Such information shall include identification of specific medical locations near the member's home of record or point of discharge at which the member may seek necessary medical care.

"(g) HIV-POSITIVE MEMBERS.—A member shall be considered to be HIV-positive for purposes of this section if there is serologic evidence that the member is infected with the virus known as Human Immunodeficiency Virus–1 (HIV–1), the virus most commonly associated with the acquired immune deficiency syndrome (AIDS) in the United States. Such serologic evidence shall be considered to exist if there is a reactive result given by an enzyme-linked immunosorbent assay (ELISA) serologic test that is confirmed by a reactive and diagnostic immunoelectrophoresis test (Western blot) on two separate samples. Any such serologic test must be one that is approved by the Food and Drug Administration.".

(2) The item relating to such section in the table of sections at the beginning of chapter 59 of such title is amended to read as follows:

"1177. Members infected with HIV–1 virus: mandatory discharge or retirement.".

10 USC 1177 note.

(b) EFFECTIVE DATE.—Section 1177 of title 10, United States Code, as amended by subsection (a), applies with respect to members of the Armed Forces determined to be HIV-positive before, on, or after the date of the enactment of this Act. In the case of a member of the Armed Forces determined to be HIV-positive before such date, the deadline for separation of the member under subsection (a) of such section, as so amended, shall be determined from the date of the enactment of this Act (rather than from the date of such determination).

### SEC. 568. REVISION AND CODIFICATION OF MILITARY FAMILY ACT AND MILITARY CHILD CARE ACT.

(a) IN GENERAL.—(1) Subtitle A of title 10, United States Code, is amended by inserting after chapter 87 the following new chapter:

## "CHAPTER 88—MILITARY FAMILY PROGRAMS AND MILITARY CHILD CARE

"Subchapter Sec.
"I. Military Family Programs ........ 1781
"II. Military Child Care ........ 1791

## "SUBCHAPTER I—MILITARY FAMILY PROGRAMS

"Sec.
"1781. Office of Family Policy.
"1782. Surveys of military families.
"1783. Family members serving on advisory committees.
"1784. Employment opportunities for military spouses.
"1785. Youth sponsorship program.

"1786. Dependent student travel within the United States.
"1787. Reporting of child abuse.

### "§ 1781. Office of Family Policy

"(a) ESTABLISHMENT.—There is in the Office of the Secretary of Defense an Office of Family Policy (hereinafter in this section referred to as the 'Office'). The Office shall be under the Assistant Secretary of Defense for Force Management and Personnel.

"(b) DUTIES.—The Office—

"(1) shall coordinate programs and activities of the military departments to the extent that they relate to military families; and

"(2) shall make recommendations to the Secretaries of the military departments with respect to programs and policies regarding military families.

"(c) STAFF.—The Office shall have not less than five professional staff members.

### "§ 1782. Surveys of military families

"(a) AUTHORITY.—The Secretary of Defense may conduct surveys of members of the armed forces on active duty or in an active status, members of the families of such members, and retired members of the armed forces to determine the effectiveness of Federal programs relating to military families and the need for new programs.

"(b) RESPONSES TO BE VOLUNTARY.—Responses to surveys conducted under this section shall be voluntary.

"(c) FEDERAL RECORDKEEPING REQUIREMENTS.—With respect to such surveys, family members of members of the armed forces and reserve and retired members of the armed forces shall be considered to be employees of the United States for purposes of section 3502(3)(A)(i) of title 44.

### "§ 1783. Family members serving on advisory committees

"A committee within the Department of Defense which advises or assists the Department in the performance of any function which affects members of military families and which includes members of military families in its membership shall not be considered an advisory committee under section 3(2) of the Federal Advisory Committee Act (5 U.S.C. App.) solely because of such membership.

### "§ 1784. Employment opportunities for military spouses

President.

"(a) AUTHORITY.—The President shall order such measures as the President considers necessary to increase employment opportunities for spouses of members of the armed forces. Such measures may include—

"(1) excepting, pursuant to section 3302 of title 5, from the competitive service positions in the Department of Defense located outside of the United States to provide employment opportunities for qualified spouses of members of the armed forces in the same geographical area as the permanent duty station of the members; and

"(2) providing preference in hiring for positions in nonappropriated fund activities to qualified spouses of members of the armed forces stationed in the same geographical area as the nonappropriated fund activity for positions in wage grade UA–8 and below and equivalent positions and for positions paid at hourly rates.

“(b) REGULATIONS.—The Secretary of Defense shall prescribe regulations—

“(1) to implement such measures as the President orders under subsection (a);

“(2) to provide preference to qualified spouses of members of the armed forces in hiring for any civilian position in the Department of Defense if the spouse is among persons determined to be best qualified for the position and if the position is located in the same geographical area as the permanent duty station of the member;

“(3) to ensure that notice of any vacant position in the Department of Defense is provided in a manner reasonably designed to reach spouses of members of the armed forces whose permanent duty stations are in the same geographic area as the area in which the position is located; and

“(4) to ensure that the spouse of a member of the armed forces who applies for a vacant position in the Department of Defense shall, to the extent practicable, be considered for any such position located in the same geographic area as the permanent duty station of the member.

“(c) STATUS OF PREFERENCE ELIGIBLES.—Nothing in this section shall be construed to provide a spouse of a member of the armed forces with preference in hiring over an individual who is a preference eligible.

### “§ 1785. Youth sponsorship program

“(a) REQUIREMENT.—The Secretary of Defense shall require that there be at each military installation a youth sponsorship program to facilitate the integration of dependent children of members of the armed forces into new surroundings when moving to that military installation as a result of a parent’s permanent change of station.

“(b) DESCRIPTION OF PROGRAMS.—The program at each installation shall provide for involvement of dependent children of members presently stationed at the military installation and shall be directed primarily toward children in their preteen and teenage years.

### “§ 1786. Dependent student travel within the United States

“Funds available to the Department of Defense for the travel and transportation of dependent students of members of the armed forces stationed overseas may be obligated for transportation allowances for travel within or between the contiguous States.

### “§ 1787. Reporting of child abuse

“(a) IN GENERAL.—The Secretary of Defense shall request each State to provide for the reporting to the Secretary of any report the State receives of known or suspected instances of child abuse and neglect in which the person having care of the child is a member of the armed forces (or the spouse of the member).

“(b) DEFINITION.—In this section, the term ‘child abuse and neglect’ has the meaning provided in section 3(1) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5102).

## “SUBCHAPTER II—MILITARY CHILD CARE

“Sec.

“1791. Funding for military child care.
“1792. Child care employees.

"1793. Parent fees.
"1794. Child abuse prevention and safety at facilities.
"1795. Parent partnerships with child development centers.
"1796. Subsidies for family home day care.
"1797. Early childhood education program.
"1798. Definitions.

### "§ 1791. Funding for military child care

"It is the policy of Congress that the amount of appropriated funds available during a fiscal year for operating expenses for military child development centers and programs shall be not less than the amount of child care fee receipts that are estimated to be received by the Department of Defense during that fiscal year.

### "§ 1792. Child care employees

Regulations.

"(a) REQUIRED TRAINING.—(1) The Secretary of Defense shall prescribe regulations implementing, a training program for child care employees. Those regulations shall apply uniformly among the military departments. Subject to paragraph (2), satisfactory completion of the training program shall be a condition of employment of any person as a child care employee.

"(2) Under those regulations, the Secretary shall require that each child care employee complete the training program not later than six months after the date on which the employee is employed as a child care employee.

"(3) The training program established under this subsection shall cover, at a minimum, training in the following:

"(A) Early childhood development.

"(B) Activities and disciplinary techniques appropriate to children of different ages.

"(C) Child abuse prevention and detection.

"(D) Cardiopulmonary resuscitation and other emergency medical procedures.

"(b) TRAINING AND CURRICULUM SPECIALISTS.—(1) The Secretary of Defense shall require that at least one employee at each military child development center be a specialist in training and curriculum development. The Secretary shall ensure that such employees have appropriate credentials and experience.

"(2) The duties of such employees shall include the following:

"(A) Special teaching activities at the center.

"(B) Daily oversight and instruction of other child care employees at the center.

"(C) Daily assistance in the preparation of lesson plans.

"(D) Assistance in the center's child abuse prevention and detection program.

"(E) Advising the director of the center on the performance of other child care employees.

"(3) Each employee referred to in paragraph (1) shall be an employee in a competitive service position.

"(c) COMPETITIVE RATES OF PAY.—For the purpose of providing military child development centers with a qualified and stable civilian workforce, employees at a military installation who are directly involved in providing child care and are paid from nonappropriated funds—

"(1) in the case of entry-level employees, shall be paid at rates of pay competitive with the rates of pay paid to other entry-level employees at that installation who are drawn from the same labor pool; and

"(2) in the case of other employees, shall be paid at rates of pay substantially equivalent to the rates of pay paid to other employees at that installation with similar training, seniority, and experience.

"(d) EMPLOYMENT PREFERENCE PROGRAM FOR MILITARY SPOUSES.—(1) The Secretary of Defense shall conduct a program under which qualified spouses of members of the armed forces shall be given a preference in hiring for the position of child care employee in a position paid from nonappropriated funds if the spouse is among persons determined to be best qualified for the position.

"(2) A spouse who is provided a preference under this subsection at a military child development center may not be precluded from obtaining another preference, in accordance with section 1794 of this title, in the same geographic area as the military child development center.

"(e) COMPETITIVE SERVICE POSITION DEFINED.—In this section, the term 'competitive service position' means a position in the competitive service, as defined in section 2102(a)(1) of title 5.

### "§ 1793. Parent fees

Regulations.

"(a) IN GENERAL.—The Secretary of Defense shall prescribe regulations establishing fees to be charged parents for the attendance of children at military child development centers. Those regulations shall be uniform for the military departments and shall require that, in the case of children who attend the centers on a regular basis, the fees shall be based on family income.

"(b) LOCAL WAIVER AUTHORITY.—The Secretary of Defense may provide authority to installation commanders, on a case-by-case basis, to establish fees for attendance of children at child development centers at rates lower than those prescribed under subsection (a) if the rates prescribed under subsection (a) are not competitive with rates at local non-military child development centers.

### "§ 1794. Child abuse prevention and safety at facilities

"(a) CHILD ABUSE TASK FORCE.—The Secretary of Defense shall maintain a special task force to respond to allegations of widespread child abuse at a military installation. The task force shall be composed of personnel from appropriate disciplines, including, where appropriate, medicine, psychology, and childhood development. In the case of such allegations, the task force shall provide assistance to the commander of the installation, and to parents at the installation, in helping them to deal with such allegations.

"(b) NATIONAL HOTLINE.—(1) The Secretary of Defense shall maintain a national telephone number for persons to use to report suspected child abuse or safety violations at a military child development center or family home day care site. The Secretary shall ensure that such reports may be made anonymously if so desired by the person making the report. The Secretary shall establish procedures for following up on complaints and information received over that number.

Public information.
Regulations.

"(2) The Secretary shall publicize the existence of the number.

"(c) ASSISTANCE FROM LOCAL AUTHORITIES.—The Secretary of Defense shall prescribe regulations requiring that, in a case of allegations of child abuse at a military child development center or family home day care site, the commander of the military installation or the head of the task force established under subsection (a) shall seek the assistance of local child protective authorities if such assistance is available.

"(d) SAFETY REGULATIONS.—The Secretary of Defense shall prescribe regulations on safety and operating procedures at military child development centers. Those regulations shall apply uniformly among the military departments.

"(e) INSPECTIONS.—The Secretary of Defense shall require that each military child development center be inspected not less often than four times a year. Each such inspection shall be unannounced. At least one inspection a year shall be carried out by a representative of the installation served by the center, and one inspection a year shall be carried out by a representative of the major command under which that installation operates.

"(f) REMEDIES FOR VIOLATIONS.—(1) Except as provided in paragraph (2), any violation of a safety, health, or child welfare law or regulation (discovered at an inspection or otherwise) at a military child development center shall be remedied immediately.

"(2) In the case of a violation that is not life threatening, the commander of the major command under which the installation concerned operates may waive the requirement that the violation be remedied immediately for a period of up to 90 days beginning on the date of the discovery of the violation. If the violation is not remedied as of the end of that 90-day period, the military child development center shall be closed until the violation is remedied. The Secretary of the military department concerned may waive the preceding sentence and authorize the center to remain open in a case in which the violation cannot reasonably be remedied within that 90-day period or in which major facility reconstruction is required.

### "§ 1795. Parent partnerships with child development centers

"(a) PARENT BOARDS.—The Secretary of Defense shall require that there be established at each military child development center a board of parents, to be composed of parents of children attending the center. The board shall meet periodically with staff of the center and the commander of the installation served by the center for the purpose of discussing problems and concerns. The board, together with the staff of the center, shall be responsible for coordinating the parent participation program described in subsection (b).

"(b) PARENT PARTICIPATION PROGRAMS.—The Secretary of Defense shall require the establishment of a parent participation program at each military child development center. As part of such program, the Secretary of Defense may establish fees for attendance of children at such a center, in the case of parents who participate in the parent participation program at that center, at rates lower than the rates that otherwise apply.

### "§ 1796. Subsidies for family home day care

"The Secretary of Defense may use appropriated funds available for military child care purposes to provide assistance to family home day care providers so that family home day care services can be provided to members of the armed forces at a cost comparable to the cost of services provided by military child development centers. The Secretary shall prescribe regulations for the provision of such assistance.

Regulations.

### "§ 1797. Early childhood education program

"The Secretary of Defense shall require that all military child development centers meet standards of operation necessary for accreditation by an appropriate national early childhood programs accrediting body.

### "§ 1798. Definitions

"In this subchapter:

"(1) The term 'military child development center' means a facility on a military installation (or on property under the jurisdiction of the commander of a military installation) at which child care services are provided for members of the armed forces or any other facility at which such child care services are provided that is operated by the Secretary of a military department.

"(2) The term 'family home day care' means home-based child care services that are provided for members of the armed forces by an individual who (A) is certified by the Secretary of the military department concerned as qualified to provide those services, and (B) provides those services on a regular basis for compensation.

"(3) The term 'child care employee' means a civilian employee of the Department of Defense who is employed to work in a military child development center (regardless of whether the employee is paid from appropriated funds or nonappropriated funds).

"(4) The term 'child care fee receipts' means those nonappropriated funds that are derived from fees paid by members of the armed forces for child care services provided at military child development centers.".

(2) The tables of chapters at the beginning of subtitle A, and at the beginning of part II of subtitle A, of title 10, United States Code, are amended by inserting after the item relating to chapter 87 the following new item:

**"88. Military Family Programs and Military Child Care .......................... 1781".**

(b) REPORT ON FIVE-YEAR DEMAND FOR CHILD CARE.—(1) Not later than the date of the submission of the budget for fiscal year 1997 pursuant to section 1105 of title 31, United States Code, the Secretary of Defense shall submit to Congress a report on the expected demand for child care by military and civilian personnel of the Department of Defense during fiscal years 1997 through 2001.

(2) The report shall include—

(A) a plan for meeting the expected child care demand identified in the report; and

(B) an estimate of the cost of implementing that plan.

(3) The report shall also include a description of methods for monitoring family home day care programs of the military departments.

10 USC 1787 note.

(c) PLAN FOR IMPLEMENTATION OF ACCREDITATION REQUIREMENT.—The Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a plan for carrying out the requirements of section 1787 of title 10, United States Code, as added by subsection (a). The plan shall be submitted not later than April 1, 1997.

10 USC 1784 note.

(d) CONTINUATION OF DELEGATION OF AUTHORITY WITH RESPECT TO HIRING PREFERENCE FOR QUALIFIED MILITARY SPOUSES.—The provisions of Executive Order No. 12568, issued October 2, 1986 (10 U.S.C. 113 note), shall apply as if the reference in that Executive order to section 806(a)(2) of the Department of Defense Authorization Act of 1986 refers to section 1784 of title 10, United States Code, as added by subsection (a).

(e) REPEALER.—The following provisions of law are repealed:

(1) The Military Family Act of 1985 (title VIII of Public Law 99–145; 10 U.S.C. 113 note).

(2) The Military Child Care Act of 1989 (title XV of Public Law 101–189; 10 U.S.C. 113 note).

10 USC 1501 note.

### SEC. 569. DETERMINATION OF WHEREABOUTS AND STATUS OF MISSING PERSONS.

(a) PURPOSE.—The purpose of this section is to ensure that any member of the Armed Forces (and any Department of Defense civilian employee or contractor employee who serves with or accompanies the Armed Forces in the field under orders) who becomes missing or unaccounted for is ultimately accounted for by the United States and, as a general rule, is not declared dead solely because of the passage of time.

(b) IN GENERAL.—(1) Part II of subtitle A of title 10, United States Code, is amended by inserting after chapter 75 the following new chapter:

## "CHAPTER 76—MISSING PERSONS

"Sec.
"1501. System for accounting for missing persons.
"1502. Missing persons: initial report.
"1503. Actions of Secretary concerned; initial board inquiry.
"1504. Subsequent board of inquiry.
"1505. Further review.
"1506. Personnel files.
"1507. Recommendation of status of death.
"1508. Judicial review.
"1509. Preenactment, special interest cases.
"1510. Applicability to Coast Guard.
"1511. Return alive of person declared missing or dead.
"1512. Effect on State law.
"1513. Definitions.

### "§ 1501. System for accounting for missing persons

Establishment.

"(a) OFFICE FOR MISSING PERSONNEL.—(1) The Secretary of Defense shall establish within the Office of the Secretary of Defense an office to have responsibility for Department of Defense policy relating to missing persons. Subject to the authority, direction, and control of the Secretary of Defense, the responsibilities of the office shall include—

"(A) policy, control, and oversight within the Department of Defense of the entire process for investigation and recovery related to missing persons (including matters related to search, rescue, escape, and evasion); and

"(B) coordination for the Department of Defense with other departments and agencies of the United States on all matters concerning missing persons.

"(2) In carrying out the responsibilities of the office established under this subsection, the head of the office shall be responsible for the coordination for such purposes within the Department of

Defense among the military departments, the Joint Staff, and the commanders of the combatant commands.

"(3) The office shall establish policies, which shall apply uniformly throughout the Department of Defense, for personnel recovery (including search, rescue, escape, and evasion).

"(4) The office shall establish procedures to be followed by Department of Defense boards of inquiry, and by officials reviewing the reports of such boards, under this chapter.

"(b) UNIFORM DOD PROCEDURES.—(1) The Secretary of Defense shall prescribe procedures, to apply uniformly throughout the Department of Defense, for—

"(A) the determination of the status of persons described in subsection (c); and

"(B) for the systematic, comprehensive, and timely collection, analysis, review, dissemination, and periodic update of information related to such persons.

"(2) Such procedures may provide for the delegation by the Secretary of Defense of any responsibility of the Secretary under this chapter to the Secretary of a military department.

"(3) Such procedures shall be prescribed in a single directive applicable to all elements of the Department of Defense.

"(4) As part of such procedures, the Secretary may provide for the extension, on a case-by-case basis, of any time limit specified in section 1502, 1503, or 1504 of this title. Any such extension may not be for a period in excess of the period with respect to which the extension is provided. Subsequent extensions may be provided on the same basis.

"(c) COVERED PERSONS.—Section 1502 of this title applies in the case of the following persons:

"(1) Any member of the armed forces on active duty who becomes involuntarily absent as a result of a hostile action, or under circumstances suggesting that the involuntary absence is a result of a hostile action, and whose status is undetermined or who is unaccounted for.

"(2) Any civilian employee of the Department of Defense, and any employee of a contractor of the Department of Defense, who serves with or accompanies the armed forces in the field under orders who becomes involuntarily absent as a result of a hostile action, or under circumstances suggesting that the involuntary absence is a result of a hostile action, and whose status is undetermined or who is unaccounted for.

"(d) PRIMARY NEXT OF KIN.—The individual who is primary next of kin of any person prescribed in subsection (c) may for purposes of this chapter designate another individual to act on behalf of that individual as primary next of kin. The Secretary concerned shall treat an individual so designated as if the individual designated were the primary next of kin for purposes of this chapter. A designation under this subsection may be revoked at any time by the person who made the designation.

"(e) TERMINATION OF APPLICABILITY OF PROCEDURES WHEN MISSING PERSON IS ACCOUNTED FOR.—The provisions of this chapter relating to boards of inquiry and to the actions by the Secretary concerned on the reports of those boards shall cease to apply in the case of a missing person upon the person becoming accounted for or otherwise being determined to be in a status other than missing.

"(f) SECRETARY CONCERNED.—In this chapter, the term 'Secretary concerned' includes, in the case of a civilian employee of the Department of Defense or contractor of the Department of Defense, the Secretary of the military department or head of the element of the Department of Defense employing the employee or contracting with the contractor, as the case may be.

### "§ 1502. Missing persons: initial report

"(a) PRELIMINARY ASSESSMENT AND RECOMMENDATION BY COMMANDER.—After receiving information that the whereabouts and status of a person described in section 1501(c) of this title is uncertain and that the absence of the person may be involuntary, the commander of the unit, facility, or area to or in which the person is assigned shall make a preliminary assessment of the circumstances. If, as a result of that assessment, the commander concludes that the person is missing, the commander shall—

"(1) recommend that the person be placed in a missing status; and

"(2) not later than 48 hours after receiving such information, transmit a report containing that recommendation to the theater component commander with jurisdiction over the missing person in accordance with procedures prescribed under section 1501(b) of this title.

"(b) TRANSMISSION THROUGH THEATER COMPONENT COMMANDER.—Upon reviewing a report under subsection (a) recommending that a person be placed in a missing status, the theater component commander shall ensure that all necessary actions are being taken, and all appropriate assets are being used, to resolve the status of the missing person. Not later than 14 days after receiving the report, the theater component commander shall forward the report to the Secretary of Defense or the Secretary concerned in accordance with procedures prescribed under section 1501(b) of this title. The theater component commander shall include with such report a certification that all necessary actions are being taken, and all appropriate assets are being used, to resolve the status of the missing person.

"(c) SAFEGUARDING AND FORWARDING OF RECORDS.—A commander making a preliminary assessment under subsection (a) with respect to a missing person shall (in accordance with procedures prescribed under section 1501 of this title) safeguard and forward for official use any information relating to the whereabouts and status of the missing person that results from the preliminary assessment or from actions taken to locate the person. The theater component commander through whom the report with respect to the missing person is transmitted under subsection (b) shall ensure that all pertinent information relating to the whereabouts and status of the missing person that results from the preliminary assessment or from actions taken to locate the person is properly safeguarded to avoid loss, damage, or modification.

### "§ 1503. Actions of Secretary concerned; initial board inquiry

"(a) DETERMINATION BY SECRETARY.—Upon receiving a recommendation under section 1502(b) of this title that a person be placed in a missing status, the Secretary receiving the recommendation shall review the recommendation and, not later than 10 days after receiving such recommendation, shall appoint a board under this section to conduct an inquiry into the whereabouts and status of the person.

"(b) INQUIRIES INVOLVING MORE THAN ONE MISSING PERSON.—If it appears to the Secretary who appoints a board under this section that the absence or missing status of two or more persons is factually related, the Secretary may appoint a single board under this section to conduct the inquiry into the whereabouts and status of all such persons.

"(c) COMPOSITION.—(1) A board appointed under this section to inquire into the whereabouts and status of a person shall consist of at least one individual described in paragraph (2) who has experience with and understanding of military operations or activities similar to the operation or activity in which the person disappeared.

"(2) An individual referred to in paragraph (1) is the following:

"(A) A military officer, in the case of an inquiry with respect to a member of the armed forces.

"(B) A civilian, in the case of an inquiry with respect to a civilian employee of the Department of Defense or of a contractor of the Department of Defense.

"(3) An individual may be appointed as a member of a board under this section only if the individual has a security clearance that affords the individual access to all information relating to the whereabouts and status of the missing persons covered by the inquiry.

"(4) A Secretary appointing a board under this subsection shall, for purposes of providing legal counsel to the board, assign to the board a judge advocate, or appoint to the board an attorney, who has expertise in the law relating to missing persons, the determination of death of such persons, and the rights of family members and dependents of such persons.

"(d) DUTIES OF BOARD.—A board appointed to conduct an inquiry into the whereabouts and status of a missing person under this section shall—

"(1) collect, develop, and investigate all facts and evidence relating to the disappearance or whereabouts and status of the person;

"(2) collect appropriate documentation of the facts and evidence covered by the board's investigation;

"(3) analyze the facts and evidence, make findings based on that analysis, and draw conclusions as to the current whereabouts and status of the person; and

"(4) with respect to each person covered by the inquiry, recommend to the Secretary who appointed the board that—

"(A) the person be placed in a missing status; or

"(B) the person be declared to have deserted, to be absent without leave, or (subject to the requirements of section 1507 of this title) to be dead.

"(e) BOARD PROCEEDINGS.—During the proceedings of an inquiry under this section, a board shall—

"(1) collect, record, and safeguard all facts, documents, statements, photographs, tapes, messages, maps, sketches, reports, and other information (whether classified or unclassified) relating to the whereabouts and status of each person covered by the inquiry;

"(2) gather information relating to actions taken to find the person, including any evidence of the whereabouts and status of the person arising from such actions; and

Records.

"(3) maintain a record of its proceedings.

"(f) Counsel for Missing Person.—(1) The Secretary appointing a board to conduct an inquiry under this section shall appoint counsel to represent each person covered by the inquiry or, in a case covered by subsection (b), one counsel to represent all persons covered by the inquiry. Counsel appointed under this paragraph may be referred to as 'missing person's counsel' and represents the interests of the person covered by the inquiry (and not any member of the person's family or other interested parties).

"(2) To be appointed as a missing person's counsel, a person must—

"(A) have the qualifications specified in section 827(b) of this title (article 27(b) of the Uniform Code of Military Justice) for trial counsel or defense counsel detailed for a general court-martial;

"(B) have a security clearance that affords the counsel access to all information relating to the whereabouts and status of the person or persons covered by the inquiry; and

"(C) have expertise in the law relating to missing persons, the determination of the death of such persons, and the rights of family members and dependents of such persons.

"(3) A missing person's counsel—

"(A) shall have access to all facts and evidence considered by the board during the proceedings under the inquiry for which the counsel is appointed;

"(B) shall observe all official activities of the board during such proceedings;

"(C) may question witnesses before the board; and

"(D) shall monitor the deliberations of the board.

"(4) A missing person's counsel shall assist the board in ensuring that all appropriate information concerning the case is collected, logged, filed, and safeguarded.

"(5) A missing person's counsel shall review the report of the board under subsection (h) and submit to the Secretary concerned who appointed the board an independent review of that report. That review shall be made an official part of the record of the board.

"(g) Access to Proceedings.—The proceedings of a board during an inquiry under this section shall be closed to the public (including, with respect to the person covered by the inquiry, the primary next of kin, other members of the immediate family, and any other previously designated person of the person).

"(h) Report.—(1) A board appointed under this section shall submit to the Secretary who appointed the board a report on the inquiry carried out by the board. The report shall include—

"(A) a discussion of the facts and evidence considered by the board in the inquiry;

"(B) the recommendation of the board under subsection (d) with respect to each person covered by the report; and

"(C) disclosure of whether classified documents and information were reviewed by the board or were otherwise used by the board in forming recommendations under subparagraph (B).

"(2) A board shall submit a report under this subsection with respect to the inquiry carried out by the board not later than 30 days after the date of the appointment of the board to carry out the inquiry. The report may include a classified annex.

"(3) The Secretary of Defense shall prescribe procedures for the release of a report submitted under this subsection with respect to a missing person. Such procedures shall provide that the report may not be made public (except as provided for in subsection (j)) until one year after the date on which the report is submitted.

"(i) DETERMINATION BY SECRETARY.—(1) Not later than 30 days after receiving a report from a board under subsection (h), the Secretary receiving the report shall review the report.

"(2) In reviewing a report under paragraph (1), the Secretary shall determine whether or not the report is complete and free of administrative error. If the Secretary determines that the report is incomplete, or that the report is not free of administrative error, the Secretary may return the report to the board for further action on the report by the board.

"(3) Upon a determination by the Secretary that a report reviewed under this subsection is complete and free of administrative error, the Secretary shall make a determination concerning the status of each person covered by the report, including whether the person shall—

"(A) be declared to be missing;

"(B) be declared to have deserted;

"(C) be declared to be absent without leave; or

"(D) be declared to be dead.

"(j) REPORT TO FAMILY MEMBERS AND OTHER INTERESTED PERSONS.—Not later than 30 days after the date on which the Secretary concerned makes a determination of the status of a person under subsection (i), the Secretary shall take reasonable actions to—

"(1) provide to the primary next of kin, the other members of the immediate family, and any other previously designated person of the person—

"(A) an unclassified summary of the unit commander's report with respect to the person under section 1502(a) of this title; and

"(B) the report of the board (including the names of the members of the board) under subsection (h); and

"(2) inform each individual referred to in paragraph (1) that the United States will conduct a subsequent inquiry into the whereabouts and status of the person on or about one year after the date of the first official notice of the disappearance of the person, unless information becomes available sooner that may result in a change in status of the person.

"(k) TREATMENT OF DETERMINATION.—Any determination of the status of a missing person under subsection (i) shall be treated as the determination of the status of the person by all departments and agencies of the United States.

### "§ 1504. Subsequent board of inquiry

"(a) ADDITIONAL BOARD.—If information that may result in a change of status of a person covered by a determination under section 1503(i) of this title becomes available within one year after the date of the transmission of a report with respect to the person under section 1502(a)(2) of this title, the Secretary concerned shall appoint a board under this section to conduct an inquiry into the information.

"(b) Date of Appointment.—The Secretary concerned shall appoint a board under this section to conduct an inquiry into the whereabouts and status of a missing person on or about one year after the date of the transmission of a report concerning the person under section 1502(a)(2) of this title.

"(c) Combined Inquiries.—If it appears to the Secretary concerned that the absence or status of two or more persons is factually related, the Secretary may appoint one board under this section to conduct the inquiry into the whereabouts and status of such persons.

"(d) Composition.—(1) A board appointed under this section shall be composed of at least three members as follows:

"(A) In the case of a board that will inquire into the whereabouts and status of one or more members of the armed forces (and no civilians described in subparagraph (B)), the board shall be composed of officers having the grade of major or lieutenant commander or above.

"(B) In the case of a board that will inquire into the whereabouts and status of one or more civilian employees of the Department of Defense or contractors of the Department of Defense (and no members of the armed forces), the board shall be composed of—

"(i) not less than three employees of the Department of Defense whose rate of annual pay is equal to or greater than the rate of annual pay payable for grade GS–13 of the General Schedule under section 5332 of title 5; and

"(ii) such members of the armed forces as the Secretary considers advisable.

"(C) In the case of a board that will inquire into the whereabouts and status of both one or more members of the armed forces and one or more civilians described in subparagraph (B)—

"(i) the board shall include at least one officer described in subparagraph (A) and at least one employee of the Department of Defense described in subparagraph (B)(i); and

"(ii) the ratio of such officers to such employees on the board shall be roughly proportional to the ratio of the number of members of the armed forces who are subjects of the board's inquiry to the number of civilians who are subjects of the board's inquiry.

"(2) The Secretary concerned shall designate one member of a board appointed under this section as president of the board. The president of the board shall have a security clearance that affords the president access to all information relating to the whereabouts and status of each person covered by the inquiry.

"(3) One member of each board appointed under this subsection shall be an individual who—

"(A) has an occupational specialty similar to that of one or more of the persons covered by the inquiry; and

"(B) has an understanding of and expertise in the type of official activities that one or more such persons were engaged in at the time such person or persons disappeared.

"(4) The Secretary who appoints a board under this subsection shall, for purposes of providing legal counsel to the board, assign to the board a judge advocate, or appoint to the board an attorney, with the same qualifications as specified in section 1503(c)(4) of this title.

"(e) DUTIES OF BOARD.—A board appointed under this section to conduct an inquiry into the whereabouts and status of a person shall—

"(1) review the reports with respect to the person transmitted under section 1502(a)(2) of this title and submitted under section 1503(h) of this title;

"(2) collect and evaluate any document, fact, or other evidence with respect to the whereabouts and status of the person that has become available since the determination of the status of the person under section 1503 of this title;

"(3) draw conclusions as to the whereabouts and status of the person;

"(4) determine on the basis of the activities under paragraphs (1) and (2) whether the status of the person should be continued or changed; and

Reports.

"(5) submit to the Secretary concerned a report describing the findings and conclusions of the board, together with a recommendation for a determination by the Secretary concerning the whereabouts and status of the person.

"(f) COUNSEL FOR MISSING PERSONS.—(1) When the Secretary concerned appoints a board to conduct an inquiry under this section, the Secretary shall appoint counsel to represent each person covered by the inquiry.

"(2) A person appointed as counsel under this subsection shall meet the qualifications and have the duties set forth in section 1503(f) of this title for a missing person's counsel appointed under that section.

"(3) The review of the report of a board on an inquiry that is submitted by such counsel shall be made an official part of the record of the board with respect to the inquiry.

"(g) ATTENDANCE OF FAMILY MEMBERS AND CERTAIN OTHER INTERESTED PERSONS AT PROCEEDINGS.—(1) With respect to any person covered by an inquiry under this section, the primary next of kin, other members of the immediate family, and any other previously designated person of the person may attend the proceedings of the board during the inquiry.

"(2) The Secretary concerned shall take reasonable actions to notify each individual referred to in paragraph (1) of the opportunity to attend the proceedings of a board. Such notice shall be provided not less than 60 days before the first meeting of the board.

"(3) An individual who receives notice under paragraph (2) shall notify the Secretary of the intent, if any, of that individual to attend the proceedings of the board not later than 21 days after the date on which the individual receives the notice.

"(4) Each individual who notifies the Secretary under paragraph (3) of the individual's intent to attend the proceedings of the board—

"(A) in the case of an individual who is the primary next of kin or the previously designated person, may attend the proceedings of the board with private counsel;

"(B) shall have access to the personnel file of the missing person, to unclassified reports, if any, of the board appointed under section 1503 of this title to conduct the inquiry into the whereabouts and status of the person, and to any other unclassified information or documents relating to the whereabouts and status of the person;

"(C) shall be afforded the opportunity to present information at the proceedings of the board that such individual considers to be relevant to those proceedings; and

"(D) subject to paragraph (5), shall be given the opportunity to submit in writing an objection to any recommendation of the board under subsection (i) as to the status of the missing person.

"(5)(A) Individuals who wish to file objections under paragraph (4)(D) to any recommendation of the board shall—

"(i) submit a letter of intent to the president of the board not later than 15 days after the date on which the recommendations are made; and

"(ii) submit to the president of the board the objections in writing not later than 30 days after the date on which the recommendations are made.

"(B) The president of a board shall include any objections to a recommendation of the board that are submitted to the president of the board under subparagraph (A) in the report of the board containing the recommendation under subsection (i).

"(6) An individual referred to in paragraph (1) who attends the proceedings of a board under this subsection shall not be entitled to reimbursement by the United States for any costs (including travel, lodging, meals, local transportation, legal fees, transcription costs, witness expenses, and other expenses) incurred by that individual in attending such proceedings.

Classified information.

"(h) Availability of Information to Boards.—(1) In conducting proceedings in an inquiry under this section, a board may secure directly from any department or agency of the United States any information that the board considers necessary in order to conduct the proceedings.

"(2) Upon written request from the president of a board, the head of a department or agency of the United States shall release information covered by the request to the board. In releasing such information, the head of the department or agency shall—

"(A) declassify to an appropriate degree classified information; or

"(B) release the information in a manner not requiring the removal of markings indicating the classified nature of the information.

"(3)(A) If a request for information under paragraph (2) covers classified information that cannot be declassified, or if the classification markings cannot be removed before release from the information covered by the request, or if the material cannot be summarized in a manner that prevents the release of classified information, the classified information shall be made available only to the president of the board making the request and the counsel for the missing person appointed under subsection (f).

"(B) The president of a board shall close to persons who do not have appropriate security clearances the proceeding of the board at which classified information is discussed. Participants at a proceeding of a board at which classified information is discussed shall comply with all applicable laws and regulations relating to the disclosure of classified information. The Secretary concerned shall assist the president of a board in ensuring that classified information is not compromised through board proceedings.

"(i) RECOMMENDATION ON STATUS.—(1) Upon completion of an inquiry under this subsection, a board shall make a recommendation as to the current whereabouts and status of each missing person covered by the inquiry.

"(2) A board may not recommend under paragraph (1) that a person be declared dead unless in making the recommendation the board complies with section 1507 of this title.

"(j) REPORT.—A board appointed under this section shall submit to the Secretary concerned a report on the inquiry carried out by the board, together with the evidence considered by the board during the inquiry. The report may include a classified annex.

"(k) ACTIONS BY SECRETARY CONCERNED.—(1) Not later than 30 days after the receipt of a report from a board under subsection (j), the Secretary shall review—

"(A) the report;

"(B) the review of the report submitted to the Secretary under subsection (f)(3) by the counsel for each person covered by the report; and

"(C) the objections, if any, to the report submitted to the president of the board under subsection (g)(5).

"(2) In reviewing a report under paragraph (1) (including the objections described in subparagraph (C) of that paragraph), the Secretary concerned shall determine whether or not the report is complete and free of administrative error. If the Secretary determines that the report is incomplete, or that the report is not free of administrative error, the Secretary may return the report to the board for further action on the report by the board.

"(3) Upon a determination by the Secretary that a report reviewed under this subsection is complete and free of administrative error, the Secretary shall make a determination concerning the status of each person covered by the report.

"(l) REPORT TO FAMILY MEMBERS AND OTHER INTERESTED PERSONS.—Not later than 60 days after the date on which the Secretary concerned makes a determination with respect to a missing person under subsection (k), the Secretary shall—

"(1) provide the report reviewed by the Secretary in making the determination to the primary next of kin, the other members of the immediate family, and any other previously designated person of the person; and

"(2) in the case of a person who continues to be in a missing status, inform each individual referred to in paragraph (1) that the United States will conduct a further investigation into the whereabouts and status of the person as specified in section 1505 of this title.

"(m) TREATMENT OF DETERMINATION.—Any determination of the status of a missing person under subsection (k) shall supersede the determination of the status of the person under section 1503 of this title and shall be treated as the determination of the status of the person by all departments and agencies of the United States.

### "§ 1505. Further review

"(a) SUBSEQUENT REVIEW.—The Secretary concerned shall conduct subsequent inquiries into the whereabouts and status of any person determined by the Secretary under section 1504 of this title to be in a missing status.

"(b) FREQUENCY OF SUBSEQUENT REVIEWS.—(1) In the case of a missing person who was last known to be alive or who was last suspected of being alive, the Secretary shall appoint a board to conduct an inquiry with respect to a person under this subsection—

"(A) on or about three years after the date of the initial report of the disappearance of the person under section 1502(a) of this title; and

"(B) not later than every three years thereafter.

"(2) In addition to appointment of boards under paragraph (1), the Secretary shall appoint a board to conduct an inquiry with respect to a missing person under this subsection upon receipt of information that could result in a change of status of the missing person. When the Secretary appoints a board under this paragraph, the time for subsequent appointments of a board under paragraph (1)(B) shall be determined from the date of the receipt of such information.

"(3) The Secretary is not required to appoint a board under paragraph (1) with respect to the disappearance of any person—

"(A) more than 30 years after the initial report of the disappearance of the missing person required by section 1502 of this title; or

"(B) if, before the end of such 30-year period, the missing person is accounted for.

"(c) ACTION UPON DISCOVERY OR RECEIPT OF INFORMATION.—(1) Whenever any United States intelligence agency or other element of the Government finds or receives information that may be related to a missing person, the information shall promptly be forwarded to the office established under section 1501 of this title.

"(2) Upon receipt of information under paragraph (1), the head of the office established under section 1501 of this title shall as expeditiously as possible ensure that the information is added to the appropriate case file for that missing person and notify (A) the designated missing person's counsel for that person, and (B) the primary next of kin and any previously designated person for the missing person of the existence of that information.

"(3) The head of the office established under section 1501 of this title, with the advice of the missing person's counsel notified under paragraph (2), shall determine whether the information is significant enough to require a board review under this section.

"(d) CONDUCT OF PROCEEDINGS.—If it is determined that such a board should be appointed, the appointment of, and activities before, a board appointed under this section shall be governed by the provisions of section 1504 of this title with respect to a board appointed under that section.

### "§ 1506. Personnel files

"(a) INFORMATION IN FILES.—Except as provided in subsections (b), (c), and (d), the Secretary concerned shall, to the maximum extent practicable, ensure that the personnel file of a missing person contains all information in the possession of the United States relating to the disappearance and whereabouts and status of the person.

"(b) CLASSIFIED INFORMATION.—The Secretary concerned may withhold classified information from a personnel file under this section. If the Secretary concerned withholds classified information from a personnel file, the Secretary shall ensure that the file contains the following:

"(1) A notice that the withheld information exists.

"(2) A notice of the date of the most recent review of the classification of the withheld information.

"(c) PROTECTION OF PRIVACY.—The Secretary concerned shall maintain personnel files under this section, and shall permit disclosure of or access to such files, in accordance with the provisions of section 552a of title 5 and with other applicable laws and regulations pertaining to the privacy of the persons covered by the files.

"(d) PRIVILEGED INFORMATION.—(1) The Secretary concerned shall withhold from personnel files under this section, as privileged information, debriefing reports provided by missing persons returned to United States control which are obtained under a promise of confidentiality made for the purpose of ensuring the fullest possible disclosure of information.

"(2) If a debriefing report contains non-derogatory information about the status and whereabouts of a missing person other than the source of the debriefing report, the Secretary concerned shall prepare an extract of the non-derogatory information. That extract, following a review by the source of the debriefing report, shall be placed in the personnel file of the missing person in such a manner as to protect the identity of the source providing the information.

"(3) Whenever the Secretary concerned withholds a debriefing report from a personnel file under this subsection, the Secretary shall ensure that the file contains a notice that withheld information exists.

"(e) WRONGFUL WITHHOLDING.—Except as provided in subsections (a) through (d), any person who knowingly and willfully withholds from the personnel file of a missing person any information relating to the disappearance or whereabouts and status of a missing person shall be fined as provided in title 18 or imprisoned not more than one year, or both.

"(f) AVAILABILITY OF INFORMATION.—The Secretary concerned shall, upon request, make available the contents of the personnel file of a missing person to the primary next of kin, the other members of the immediate family, or any other previously designated person of the person.

### "§ 1507. Recommendation of status of death

"(a) REQUIREMENTS RELATING TO RECOMMENDATION.—A board appointed under section 1503, 1504, or 1505 of this title may not recommend that a person be declared dead unless—

"(1) credible evidence exists to suggest that the person is dead;

"(2) the United States possesses no credible evidence that suggests that the person is alive; and

"(3) representatives of the United States—

"(A) have made a complete search of the area where the person was last seen (unless, after making a good faith effort to obtain access to such area, such representatives are not granted such access); and

"(B) have examined the records of the government or entity having control over the area where the person was last seen (unless, after making a good faith effort to obtain access to such records, such representatives are not granted such access).

Reports.

"(b) SUBMITTAL OF INFORMATION ON DEATH.—If a board appointed under section 1503, 1504, or 1505 of this title makes a recommendation that a missing person be declared dead, the board shall include in the report of the board with respect to the person under that section the following:

"(1) A detailed description of the location where the death occurred.

"(2) A statement of the date on which the death occurred.

"(3) A description of the location of the body, if recovered.

"(4) If the body has been recovered and is not identifiable through visual means, a certification by a practitioner of an appropriate forensic science that the body recovered is that of the missing person.

### "§ 1508. Judicial review

"(a) RIGHT OF REVIEW.—A person who is the primary next of kin (or the previously designated person) of a person who is the subject of a finding described in subsection (b) may obtain judicial review in a United States district court of that finding, but only on the basis of a claim that there is information that could affect the status of the missing person's case that was not adequately considered during the administrative review process under this chapter. Any such review shall be as provided in section 706 of title 5.

"(b) FINDINGS FOR WHICH JUDICIAL REVIEW MAY BE SOUGHT.—Subsection (a) applies to the following findings:

"(1) A finding by a board appointed under section 1504 or 1505 of this title that a missing person is dead.

"(2) A finding by a board appointed under section 1509 of this title that confirms that a missing person formerly declared dead is in fact dead.

"(c) SUBSEQUENT REVIEW.—Appeals from a decision of the district court shall be taken to the appropriate United States court of appeals and to the Supreme Court as provided by law.

### "§ 1509. Preenactment, special interest cases

"(a) REVIEW OF STATUS.—In the case of an unaccounted for person covered by section 1501(c) of this title who is described in subsection (b), if new information that could change the status of that person is found or received by a United States intelligence agency, by a Department of Defense agency, or by a person specified in section 1504(g) of this title, that information shall be provided to the Secretary of Defense with a request that the Secretary evaluate the information in accordance with sections 1505(c) and 1505(d) of this title.

Prisoners of war.
Missing in action.

"(b) CASES ELIGIBLE FOR REVIEW.—The cases eligible for review under this section are the following:

"(1) With respect to the Korean conflict, any unaccounted for person who was classified as a prisoner of war or as missing in action during that conflict and who (A) was known to be or suspected to be alive at the end of that conflict, or (B) was classified as missing in action and whose capture was possible.

"(2) With respect to the Cold War, any unaccounted for person who was engaged in intelligence operations (such as aerial 'ferret' reconnaissance missions over and around the Soviet Union and China) during the Cold War.

"(3) With respect to the Indochina war era, any unaccounted for person who was classified as a prisoner of war or as missing in action during the Indochina conflict.

"(c) SPECIAL RULE FOR PERSONS CLASSIFIED AS 'KIA/BNR'.—In the case of a person described in subsection (b) who was classified as 'killed in action/body not recovered', the case of that person may be reviewed under this section only if the new information referred to in subsection (a) is compelling.

"(d) DEFINITIONS.—In this section:

"(1) The term 'Korean conflict' means the period beginning on June 27, 1950, and ending on January 31, 1955.

"(2) The term 'Cold War' means the period beginning on September 2, 1945, and ending on August 21, 1991.

"(3) The term 'Indochina war era' means the period beginning on July 8, 1959, and ending on May 15, 1975.

### "§ 1510. Applicability to Coast Guard

"(a) DESIGNATED OFFICER TO HAVE RESPONSIBILITY.—The Secretary of Transportation shall designate an officer of the Department of Transportation to have responsibility within the Department of Transportation for matters relating to missing persons who are members of the Coast Guard.

"(b) PROCEDURES.—The Secretary of Transportation shall prescribe procedures for the determination of the status of persons described in section 1501(c) of this title who are members of the Coast Guard and for the collection, analysis, review, and update of information on such persons. To the maximum extent practicable, the procedures prescribed under this section shall be similar to the procedures prescribed by the Secretary of Defense under section 1501(b) of this title.

### "§ 1511. Return alive of person declared missing or dead

"(a) PAY AND ALLOWANCES.—Any person (except for a person subsequently determined to have been absent without leave or a deserter) in a missing status or declared dead under subchapter VII of chapter 55 of title 5 or chapter 10 of title 37 or by a board appointed under this chapter who is found alive and returned to the control of the United States shall be paid for the full time of the absence of the person while given that status or declared dead under the law and regulations relating to the pay and allowances of persons returning from a missing status.

"(b) EFFECT ON GRATUITIES PAID AS A RESULT OF STATUS.—Subsection (a) shall not be interpreted to invalidate or otherwise affect the receipt by any person of a death gratuity or other payment from the United States on behalf of a person referred to in subsection (a) before the date of the enactment of this chapter.

### "§ 1512. Effect on State law

"(a) NONPREEMPTION OF STATE AUTHORITY.—Nothing in this chapter shall be construed to invalidate or limit the power of any State court or administrative entity, or the power of any court or administrative entity of any political subdivision thereof, to find or declare a person dead for purposes of such State or political subdivision.

"(b) STATE DEFINED.—In this section, the term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

**"§ 1513. Definitions**

"In this chapter:

"(1) The term 'missing person' means—

"(A) a member of the Armed Forces on active duty who is in a missing status; or

"(B) a civilian employee of the Department of Defense or an employee of a contractor of the Department of Defense who serves with or accompanies the Armed Forces in the field under orders and who is in a missing status.

"(2) The term 'missing status' means the status of a missing person who is determined to be absent in a category of any of the following:

"(A) Missing.

"(B) Missing in action.

"(C) Interned in a foreign country.

"(D) Captured.

"(E) Beleaguered.

"(F) Besieged.

"(G) Detained in a foreign country against that person's will.

"(3) The term 'accounted for', with respect to a person in a missing status, means that—

"(A) the person is returned to United States control alive;

"(B) the remains of the person are recovered and, if not identifiable through visual means as those of the missing person, are identified as those of the missing person by a practitioner of an appropriate forensic science; or

"(C) credible evidence exists to support another determination of the person's status.

"(4) The term 'primary next of kin', in the case of a missing person, means the individual authorized to direct disposition of the remains of the person under section 1482(c) of this title.

"(5) The term 'member of the immediate family', in the case of a missing person, means the following:

"(A) The spouse of the person.

"(B) A natural child, adopted child, stepchild, or illegitimate child (if acknowledged by the person or parenthood has been established by a court of competent jurisdiction) of the person, except that if such child has not attained the age of 18 years, the term means a surviving parent or legal guardian of such child.

"(C) A biological parent of the person, unless legal custody of the person by the parent has been previously terminated by reason of a court decree or otherwise under law and not restored.

"(D) A brother or sister of the person, if such brother or sister has attained the age of 18 years.

"(E) Any other blood relative or adoptive relative of the person, if such relative was given sole legal custody of the person by a court decree or otherwise under law before the person attained the age of 18 years and such custody was not subsequently terminated before that time.

"(6) The term 'previously designated person', in the case of a missing person, means an individual designated by the person under section 655 of this title for purposes of this chapter.

"(7) The term 'classified information' means any information the unauthorized disclosure of which (as determined under applicable law and regulations) could reasonably be expected to damage the national security.

"(8) The term 'theater component commander' means, with respect to any of the combatant commands, an officer of any of the armed forces who (A) is commander of all forces of that armed force assigned to that combatant command, and (B) is directly subordinate to the commander of the combatant command.".

(2) The tables of chapters at the beginning of subtitle A, and at the beginning of part II of subtitle A, of title 10, United States Code, are amended by inserting after the item relating to chapter 75 the following new item:

"76. Missing Persons .................................................................................... 1501".

(c) CONFORMING AMENDMENTS.—Chapter 10 of title 37, United States Code, is amended as follows:

(1) Section 555 is amended—

(A) in subsection (a), by striking out "When a member" and inserting in lieu thereof "Except as provided in subsection (d), when a member"; and

(B) by adding at the end the following new subsection:

"(d) This section does not apply in a case to which section 1502 of title 10 applies.".

(2) Section 552 is amended—

(A) in subsection (a), by striking out "for all purposes," in the second sentence of the matter following paragraph (2) and all that follows through the end of the sentence and inserting in lieu thereof "for all purposes.";

(B) in subsection (b), by inserting "or under chapter 76 of title 10" before the period at the end; and

(C) in subsection (e), by inserting "or under chapter 76 of title 10" after "section 555 of this title".

(3) Section 553 is amended—

(A) in subsection (f), by striking out "the date the Secretary concerned receives evidence that" and inserting in lieu thereof "the date on which, in a case covered by section 555 of this title, the Secretary concerned receives evidence, or, in a case covered by chapter 76 of title 10, the Secretary concerned determines pursuant to that chapter, that"; and

(B) in subsection (g), by inserting "or under chapter 76 of title 10" after "section 555 of this title".

(4) Section 556 is amended—

(A) in subsection (a), by inserting after paragraph (7) the following:

"Paragraphs (1), (5), (6), and (7) only apply with respect to a case to which section 555 of this title applies.";

(B) in subsection (b), by inserting ", in a case to which section 555 of this title applies," after "When the Secretary concerned"; and

(C) in subsection (h)—

(i) in the first sentence, by striking out "status" and inserting in lieu thereof "pay"; and

(ii) in the second sentence, by inserting "in a case to which section 555 of this title applies" after "under this section".

(d) DESIGNATION OF PERSONS HAVING INTEREST IN STATUS OF SERVICE MEMBERS.—(1) Chapter 37 of title 10, United States Code, is amended by adding at the end the following new section:

### "§ 655. Designation of persons having interest in status of a missing member

"(a) The Secretary concerned shall, upon the enlistment or appointment of a person in the armed forces, require that the person specify in writing the person or persons, if any, other than that person's primary next of kin or immediate family, to whom information on the whereabouts and status of the member shall be provided if such whereabouts and status are investigated under chapter 76 of this title. The Secretary shall periodically, and whenever the member is deployed as part of a contingency operation or in other circumstances specified by the Secretary, require that such designation be reconfirmed, or modified, by the member.

"(b) The Secretary concerned shall, upon the request of a member, permit the member to revise the person or persons specified by the member under subsection (a) at any time. Any such revision shall be in writing.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"655. Designation of persons having interest in status of a missing member.".

5 USC 5561 note. (e) ACCOUNTING FOR CIVILIAN EMPLOYEE AND CONTRACTORS OF THE UNITED STATES.—(1) The Secretary of State shall carry out a comprehensive study of the provisions of subchapter VII of chapter 55 of title 5, United States Code (commonly referred to as the "Missing Persons Act of 1942") (5 U.S.C. 5561 et seq.) and any other law or regulation establishing procedures for the accounting for of civilian employees of the United States or contractors of the United States who serve with or accompany the Armed Forces in the field. The purpose of the study shall be to determine the means, if any, by which those procedures may be improved.

(2) The Secretary of State shall carry out the study required under paragraph (1) in consultation with the Secretary of Defense, the Secretary of Transportation, the Director of Central Intelligence, and the heads of such other departments and agencies of the United States as the President designates for that purpose.

(3) In carrying out the study, the Secretary of State shall examine the procedures undertaken when a civilian employee referred to in paragraph (1) becomes involuntarily absent as a result of a hostile action, or under circumstances suggesting that the involuntary absence is a result of a hostile action, and whose status is undetermined or who is unaccounted for, including procedures for—

(A) search and rescue for the employee;

(B) determining the status of the employee;

(C) reviewing and changing the status of the employee;

(D) determining the rights and benefits accorded to the family of the employee; and

(E) maintaining and providing appropriate access to the records of the employee and the investigation into the status of the employee.

Records.

(4) Not later than one year after the date of the enactment of this Act, the Secretary of State shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the study carried out by the Secretary under this subsection. The report shall include the recommendations, if any, of the Secretary for legislation to improve the procedures covered by the study.

Reports.

### SEC. 570. ASSOCIATE DIRECTOR OF CENTRAL INTELLIGENCE FOR MILITARY SUPPORT.

Section 102 of the National Security Act of 1947 (50 U.S.C. 403) is amended by adding at the end the following:

"(e) In the event that neither the Director nor Deputy Director of Central Intelligence is a commissioned officer of the Armed Forces, a commissioned officer of the Armed Forces appointed to the position of Associate Director of Central Intelligence for Military Support, while serving in such position, shall not be counted against the numbers and percentages of commissioned officers of the rank and grade of such officer authorized for the armed force of which such officer is a member.".

## Subtitle G—Support for Non-Department of Defense Activities

### SEC. 571. REPEAL OF CERTAIN CIVIL-MILITARY PROGRAMS.

(a) Repeal of Civil-Military Cooperative Action Program.—The following provisions of law are repealed:

(1) Section 410 of title 10, United States Code.

(2) Section 1081(a) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 10 U.S.C. 410 note).

(b) Repeal of Related Provision.—Section 1045 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 10 U.S.C. 410 note), relating to a pilot outreach program to reduce demand for illegal drugs, is repealed.

(c) Technical and Conforming Amendments.—Chapter 20 of title 10, United States Code, is amended—

(1) by striking out the table of subchapters after the chapter heading;

(2) by striking out the subchapter heading for subchapter I; and

(3) by striking out the subchapter heading for subchapter II and the table of sections following that subchapter heading.

### SEC. 572. TRAINING ACTIVITIES RESULTING IN INCIDENTAL SUPPORT AND SERVICES FOR ELIGIBLE ORGANIZATIONS AND ACTIVITIES OUTSIDE THE DEPARTMENT OF DEFENSE.

(a) In General.—(1) Chapter 101 of title 10, United States Code, is amended by adding at the end the following new section:

### "§ 2012. Support and services for eligible organizations and activities outside Department of Defense

Regulations.

"(a) AUTHORITY TO PROVIDE SERVICES AND SUPPORT.—Under regulations prescribed by the Secretary of Defense, the Secretary of a military department may in accordance with this section authorize units or individual members of the armed forces under that Secretary's jurisdiction to provide support and services to non-Department of Defense organizations and activities specified in subsection (e), but only if—

"(1) such assistance is authorized by a provision of law (other than this section); or

"(2) the provision of such assistance is incidental to military training.

"(b) SCOPE OF COVERED ACTIVITIES SUBJECT TO SECTION.—This section does not—

"(1) apply to the provision by the Secretary concerned, under regulations prescribed by the Secretary of Defense, of customary community relations and public affairs activities conducted in accordance with Department of Defense policy; or

"(2) prohibit the Secretary concerned from encouraging members of the armed forces under the Secretary's jurisdiction to provide volunteer support for community relations activities under regulations prescribed by the Secretary of Defense.

"(c) REQUIREMENT FOR SPECIFIC REQUEST.—Assistance under subsection (a) may only be provided if—

"(1) the assistance is requested by a responsible official of the organization to which the assistance is to be provided; and

"(2) the assistance is not reasonably available from a commercial entity or (if so available) the official submitting the request for assistance certifies that the commercial entity that would otherwise provide such services has agreed to the provision of such services by the armed forces.

"(d) RELATIONSHIP TO MILITARY TRAINING.—(1) Assistance under subsection (a) may only be provided if the following requirements are met:

"(A) The provision of such assistance—

"(i) in the case of assistance by a unit, will accomplish valid unit training requirements; and

"(ii) in the case of assistance by an individual member, will involve tasks directly related to the specific military occupational specialty of the member.

"(B) The provision of such assistance will not adversely affect the quality of training or otherwise interfere with the ability of a member or unit of the armed forces to perform the military functions of the member or unit.

"(C) The provision of such assistance will not result in a significant increase in the cost of the training.

"(2) Subparagraph (A)(i) of paragraph (1) does not apply in a case in which the assistance to be provided consists primarily of military manpower and the total amount of such assistance in the case of a particular project does not exceed 100 man-hours.

"(e) ELIGIBLE ENTITIES.—The following organizations and activities are eligible for assistance under this section:

"(1) Any Federal, regional, State, or local governmental entity.

"(2) Youth and charitable organizations specified in section 508 of title 32.

"(3) Any other entity as may be approved by the Secretary of Defense on a case-by-case basis.

"(f) REGULATIONS.—The Secretary of Defense shall prescribe regulations governing the provision of assistance under this section. The regulations shall include the following:

"(1) Rules governing the types of assistance that may be provided.

"(2) Procedures governing the delivery of assistance that ensure, to the maximum extent practicable, that such assistance is provided in conjunction with, rather than separate from, civilian efforts.

"(3) Procedures for appropriate coordination with civilian officials to ensure that the assistance—

"(A) meets a valid need; and

"(B) does not duplicate other available public services.

"(4) Procedures to ensure that Department of Defense resources are not applied exclusively to the program receiving the assistance.

"(g) ADVISORY COUNCILS.—(1) The Secretary of Defense shall encourage the establishment of advisory councils at regional, State, and local levels, as appropriate, in order to obtain recommendations and guidance concerning assistance under this section from persons who are knowledgeable about regional, State, and local conditions and needs.

"(2) The advisory councils should include officials from relevant military organizations, representatives of appropriate local, State, and Federal agencies, representatives of civic and social service organizations, business representatives, and labor representatives.

"(3) The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to such councils.

"(h) CONSTRUCTION OF PROVISION.—Nothing in this section shall be construed as authorizing—

"(1) the use of the armed forces for civilian law enforcement purposes or for response to natural or manmade disasters; or

"(2) the use of Department of Defense personnel or resources for any program, project, or activity that is prohibited by law.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2012. Support and services for eligible organizations and activities outside Department of Defense.".

### SEC. 573. NATIONAL GUARD CIVILIAN YOUTH OPPORTUNITIES PILOT PROGRAM.

32 USC 501 note.

(a) TERMINATION.—The authority under subsection (a) of section 1091 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 32 U.S.C. 501 note) to carry out a pilot program under that section is hereby continued through the end of the 18-month period beginning on the date of the enactment of this Act and such authority shall terminate as of the end of that period.

(b) LIMITATION ON NUMBER OF PROGRAMS.—During the period beginning on the date of the enactment of this Act and ending on the termination of the pilot program under subsection (a), the number of programs carried out under subsection (d) of that section as part of the pilot program may not exceed the number of such programs as of September 30, 1995.

10 USC 2012 note.

### SEC. 574. TERMINATION OF FUNDING FOR OFFICE OF CIVIL-MILITARY PROGRAMS IN OFFICE OF THE SECRETARY OF DEFENSE.

No funds may be obligated or expended after the date of the enactment of this Act (1) for the office that as of the date of the enactment of this Act is designated, within the Office of the Assistant Secretary of Defense for Reserve Affairs, as the Office of Civil-Military Programs, or (2) for any other entity within the Office of the Secretary of Defense that has an exclusive or principal mission of providing centralized direction for activities under section 2012 of title 10, United States Code, as added by section 572.

# TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

## Subtitle A—Pay and Allowances

37 USC 1009 note.

### SEC. 601. MILITARY PAY RAISE FOR FISCAL YEAR 1996.

(a) Rescission of Prior Section 1009 Adjustment.—The adjustment made as of January 1, 1996, pursuant to section 4 of Executive Order No. 12984 (issued December 28, 1995), in elements of compensation of members of the uniformed services pursuant to section 1009 of title 37, United States Code, is hereby rescinded.

(b) Increase in Basic Pay and BAS.—The rates of basic pay and basic allowance for subsistence of members of the uniformed services, as in effect on December 31, 1995, are hereby increased by 2.4 percent.

(c) Increase in BAQ.—The rates of basic allowance for quarters of members of the uniformed services, as in effect on December 31, 1995, are hereby increased by 5.2 percent.

(d) Effective Date.—This section shall take effect as of January 1, 1996.

### SEC. 602. LIMITATION ON BASIC ALLOWANCE FOR SUBSISTENCE FOR MEMBERS RESIDING WITHOUT DEPENDENTS IN GOVERNMENT QUARTERS.

(a) Percentage Limitation.—Subsection (b) of section 402 of title 37, United States Code, is amended by adding after the last sentence the following new paragraph:

“(4) In the case of enlisted members of the Army, Navy, Air Force, or Marine Corps who, when present at their permanent duty station, reside without dependents in Government quarters, the Secretary concerned may not provide a basic allowance for subsistence to more than 12 percent of such members under the jurisdiction of the Secretary concerned. The Secretary concerned may exceed such percentage if the Secretary determines that compliance would increase costs to the Government, would impose financial hardships on members otherwise entitled to a basic allowance for subsistence, or would reduce the quality of life for such members. This paragraph shall not apply to members described in the first sentence when the members are not residing at their permanent duty station. The Secretary concerned shall achieve the percentage limitation specified in this paragraph as soon as possible after the date of the enactment of this paragraph, but in no case later than September 30, 1996.".

(b) STYLISTIC AMENDMENTS.—Such subsection is further amended—

(1) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C);

(2) by inserting "(1)" after "(b)";

(3) by designating the text composed of the second, third, and fourth sentences as paragraph (2); and

(4) by designating the text composed of the fifth and sixth sentences as paragraph (3).

(c) CONFORMING AMENDMENTS.—(1) Subsection (e) of such section is amended—

(A) in paragraph (1), by striking out "the third sentence of subsection (b)" and inserting in lieu thereof "subsection (b)(2)"; and

(B) in paragraph (2), by striking out "subsection (b)" and inserting in lieu thereof "subsection (b)(2)".

(2) Section 1012 of title 37, United States Code, is amended by striking out "the last sentence of section 402(b)" and inserting in lieu thereof "section 402(b)(3)".

(d) REPORT REQUIRED.—Not later than March 31, 1996, the Secretary of Defense shall submit to Congress a report identifying, for the Army, Navy, Air Force, and Marine Corps—

(1) the number of members who reside without dependents in Government quarters at their permanent duty stations and receive a basic allowance for subsistence under section 402 of title 37, United States Code;

(2) such number as a percentage of the total number of members who reside without dependents in Government quarters;

(3) a recommended maximum percentage of the members residing without dependents in Government quarters at their permanent duty station who should receive a basic allowance for subsistence; and

(4) the reasons such maximum percentage is recommended.

### SEC. 603. ELECTION OF BASIC ALLOWANCE FOR QUARTERS INSTEAD OF ASSIGNMENT TO INADEQUATE QUARTERS.

(a) ELECTION AUTHORIZED.—Section 403(b) of title 37, United States Code, is amended—

(1) by inserting "(1)" after "(b)";

(2) by designating the second sentence as paragraph (2) and, as so designated, by striking out "However, subject" and inserting in lieu thereof "Subject"; and

(3) by adding at the end the following new paragraph: "(3) A member without dependents who is in pay grade E–6 and who is assigned to quarters of the United States that do not meet the minimum adequacy standards established by the Department of Defense for members in such pay grade, or to a housing facility under the jurisdiction of a uniformed service that does not meet such standards, may elect not to occupy such quarters or facility and instead to receive the basic allowance for quarters prescribed for the member's pay grade by this section.".

37 USC 403 note.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on July 1, 1996.

## SEC. 604. PAYMENT OF BASIC ALLOWANCE FOR QUARTERS TO MEMBERS IN PAY GRADE E–6 WHO ARE ASSIGNED TO SEA DUTY.

(a) PAYMENT AUTHORIZED.—Section 403(c)(2) of title 37, United States Code, is amended—

(1) in the first sentence, by striking out "E–7" and inserting in lieu thereof "E–6"; and

(2) in the second sentence, by striking out "E–6" and inserting in lieu thereof "E–5".

37 USC 403 note.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on July 1, 1996.

## SEC. 605. LIMITATION ON REDUCTION OF VARIABLE HOUSING ALLOWANCE FOR CERTAIN MEMBERS.

(a) LIMITATION ON REDUCTION IN VHA.—(1) Subsection (c)(3) of section 403a of title 37, United States Code, is amended by adding at the end the following new sentence: "However, so long as a member of a uniformed service retains uninterrupted eligibility to receive a variable housing allowance within an area and the member's certified housing costs are not reduced (as indicated by certifications provided by the member under subsection (b)(4)), the monthly amount of a variable housing allowance under this section for the member within that area may not be reduced as a result of systematic adjustments required by changes in housing costs within that area.".

Applicability.
37 USC 403a note.

(2) The amendment made by paragraph (1) shall apply for fiscal years after fiscal year 1995.

(b) EFFECT ON TOTAL AMOUNT AVAILABLE FOR VHA.—Subsection (d)(3) of such section is amended by inserting after the first sentence the following new sentence: "In addition, the total amount determined under paragraph (1) shall be adjusted to ensure that sufficient amounts are available to allow payment of any additional amounts of variable housing allowance necessary as a result of the requirements of the second sentence of subsection (c)(3).".

(c) REPORT ON IMPLEMENTATION.—Not later than June 1, 1996, the Secretary of Defense shall submit to Congress a report describing the procedures to be used to implement the amendments made by this section and the costs of such amendments.

Reports.

(d) RESOLVING VHA INADEQUACIES IN HIGH HOUSING COST AREAS.—If the Secretary of Defense determines that, despite the amendments made by this section, inadequacies exist in the provision of variable housing allowances under section 403a of title 37, United States Code, the Secretary shall submit to Congress a report containing a legislative proposal to address the inadequacies. The Secretary shall make the determination required by this subsection and submit the report, if necessary, not later than May 31, 1996.

## SEC. 606. CLARIFICATION OF LIMITATION ON ELIGIBILITY FOR FAMILY SEPARATION ALLOWANCE.

Section 427(b)(4) of title 37, United States Code, is amended in the first sentence by inserting "paragraph (1)(A) of" after "not entitled to an allowance under".

## Subtitle B—Bonuses and Special and Incentive Pays

### SEC. 611. EXTENSION OF CERTAIN BONUSES FOR RESERVE FORCES.

(a) SELECTED RESERVE REENLISTMENT BONUS.—Section 308b(f) of title 37, United States Code, is amended by striking out "September 30, 1996" and inserting in lieu thereof "September 30, 1997".

(b) SELECTED RESERVE ENLISTMENT BONUS.—Section 308c(e) of title 37, United States Code, is amended by striking out "September 30, 1996" and inserting in lieu thereof "September 30, 1997".

(c) SELECTED RESERVE AFFILIATION BONUS.—Section 308e(e) of title 37, United States Code, is amended by striking out "September 30, 1996" and inserting in lieu thereof "September 30, 1997".

(d) READY RESERVE ENLISTMENT AND REENLISTMENT BONUS.—Section 308h(g) of title 37, United States Code, is amended by striking out "September 30, 1996" and inserting in lieu thereof "September 30, 1997".

(e) PRIOR SERVICE ENLISTMENT BONUS.—Section 308i(i) of title 37, United States Code, is amended by striking out "September 30, 1996" and inserting in lieu thereof "September 30, 1997".

### SEC. 612. EXTENSION OF CERTAIN BONUSES AND SPECIAL PAY FOR NURSE OFFICER CANDIDATES, REGISTERED NURSES, AND NURSE ANESTHETISTS.

(a) NURSE OFFICER CANDIDATE ACCESSION PROGRAM.—Section 2130a(a)(1) of title 10, United States Code, is amended by striking out "September 30, 1996" and inserting in lieu thereof "September 30, 1997".

(b) ACCESSION BONUS FOR REGISTERED NURSES.—Section 302d(a)(1) of title 37, United States Code, is amended by striking out "September 30, 1996" and inserting in lieu thereof "September 30, 1997".

(c) INCENTIVE SPECIAL PAY FOR NURSE ANESTHETISTS.—Section 302e(a)(1) of title 37, United States Code, is amended by striking out "September 30, 1996" and inserting in lieu thereof "September 30, 1997".

### SEC. 613. EXTENSION OF AUTHORITY RELATING TO PAYMENT OF OTHER BONUSES AND SPECIAL PAYS.

(a) AVIATION OFFICER RETENTION BONUS.—Section 301b(a) of title 37, United States Code, is amended by striking out "September 30, 1995," and inserting in lieu thereof "September 30, 1997".

(b) REENLISTMENT BONUS FOR ACTIVE MEMBERS.—Section 308(g) of title 37, United States Code, is amended by striking out "September 30, 1996" and inserting in lieu thereof "September 30, 1997".

(c) ENLISTMENT BONUSES FOR CRITICAL SKILLS.—Sections 308a(c) and 308f(c) of title 37, United States Code, are each amended by striking out "September 30, 1996" and inserting in lieu thereof "September 30, 1997".

(d) SPECIAL PAY FOR ENLISTED MEMBERS OF THE SELECTED RESERVE ASSIGNED TO CERTAIN HIGH PRIORITY UNITS.—Section 308d(c) of title 37, United States Code, is amended by striking out "September 30, 1996" and inserting in lieu thereof "September 30, 1997".

(e) SPECIAL PAY FOR NUCLEAR QUALIFIED OFFICERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section 312(e) of title 37, United States Code, is amended by striking out "September 30, 1996" and inserting in lieu thereof "September 30, 1997".

(f) NUCLEAR CAREER ACCESSION BONUS.—Section 312b(c) of title 37, United States Code, is amended by striking out "September 30, 1996" and inserting in lieu thereof "September 30, 1997".

(g) NUCLEAR CAREER ANNUAL INCENTIVE BONUS.—Section 312c(d) of title 37, United States Code, is amended by striking out "October 1, 1996" and inserting in lieu thereof "October 1, 1997".

(h) REPAYMENT OF EDUCATION LOANS FOR CERTAIN HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED RESERVE.—Section 16302(d) of title 10, United States Code, is amended by striking out "October 1, 1996" and inserting in lieu thereof "October 1, 1997".

37 USC 3016 note.

(i) COVERAGE OF PERIOD OF LAPSED AGREEMENT AUTHORITY.—(1) In the case of an officer described in section 301b(b) of title 37, United States Code, who executes an agreement described in paragraph (2) during the 90-day period beginning on the date of the enactment of this Act, the Secretary concerned may treat the agreement for purposes of the retention bonus authorized under the agreement as having been executed and accepted on the first date on which the officer would have qualified for such an agreement had the amendment made by subsection (a) taken effect on October 1, 1995.

(2) An agreement referred to in this subsection is a service agreement with the Secretary concerned that is a condition for the payment of a retention bonus under section 301b of title 37, United States Code.

(3) For purposes of this subsection, the term "Secretary concerned" has the meaning given that term in section 101(5) of title 37, United States Code.

### SEC. 614. CODIFICATION AND EXTENSION OF SPECIAL PAY FOR CRITICALLY SHORT WARTIME HEALTH SPECIALISTS IN THE SELECTED RESERVES.

(a) SPECIAL PAY AUTHORIZED.—(1) Chapter 5 of title 37, United States Code, is amended by inserting after section 302f the following new section:

**"§ 302g. Special pay: Selected Reserve health care professionals in critically short wartime specialties**

"(a) SPECIAL PAY AUTHORIZED.—An officer of a reserve component of the armed forces described in subsection (b) who executes a written agreement under which the officer agrees to serve in the Selected Reserve of an armed force for a period of not less than one year nor more than three years, beginning on the date the officer accepts the award of special pay under this section, may be paid special pay at an annual rate not to exceed $10,000.

"(b) ELIGIBLE OFFICERS.—An officer referred to in subsection (a) is an officer in a health care profession who is qualified in a specialty designated by regulations as a critically short wartime specialty.

"(c) TIME FOR PAYMENT.—Special pay under this section shall be paid annually at the beginning of each twelve-month period for which the officer has agreed to serve.

“(d) REFUND REQUIREMENT.—An officer who voluntarily terminates service in the Selected Reserve of an armed force before the end of the period for which a payment was made to such officer under this section shall refund to the United States the full amount of the payment made for the period on which the payment was based.

“(e) INAPPLICABILITY OF DISCHARGE IN BANKRUPTCY.—A discharge in bankruptcy under title 11 that is entered less than five years after the termination of an agreement under this section does not discharge the person receiving special pay under the agreement from the debt arising under the agreement.

“(f) TERMINATION OF AGREEMENT AUTHORITY.—No agreement under this section may be entered into after September 30, 1997.”.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 302f the following new item:

“302g. Special pay: Selected Reserve health care professionals in critically short wartime specialties.”.

(b) CONFORMING AMENDMENT.—Section 303a of title 37, United States Code, is amended by striking out “302, 302a, 302b, 302c, 302d, 302e,” each place it appears and inserting in lieu thereof “302 through 302g,”.

(c) CONFORMING REPEAL.—(1) Section 613 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100–456; 37 U.S.C. 302 note) is repealed.

37 USC 302 note.

(2) The provisions of section 613 of the National Defense Authorization Act, Fiscal Year 1989, as in effect on the day before the date of the enactment of this Act, shall continue to apply to agreements entered into under such section before such date.

### SEC. 615. HAZARDOUS DUTY INCENTIVE PAY FOR WARRANT OFFICERS AND ENLISTED MEMBERS SERVING AS AIR WEAPONS CONTROLLERS.

(a) INCLUSION OF ADDITIONAL MEMBERS.—Subsection (a)(11) of section 301 of title 37, United States Code, is amended by striking out “an officer (other than a warrant officer)” and inserting in lieu thereof “a member”.

(b) CALCULATION OF HAZARDOUS DUTY INCENTIVE PAY.—The table in subparagraph (A) of subsection (c)(2) of such section is amended to read as follows:

| “Pay grade | Years of service as an air weapons controller | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| | 2 or less | Over 2 | Over 3 | Over 4 | Over 6 | Over 8 | Over 10 | |
| “O–7 and above ..... | $200 | $200 | $200 | $200 | $200 | $200 | $200 | |
| “O–6 .......... | 225 | 250 | 300 | 325 | 350 | 350 | 350 | |
| “O–5 .......... | 200 | 250 | 300 | 325 | 350 | 350 | 350 | |
| “O–4 .......... | 175 | 225 | 275 | 300 | 350 | 350 | 350 | |
| “O–3 .......... | 125 | 156 | 188 | 206 | 350 | 350 | 350 | |
| “O–2 .......... | 125 | 156 | 188 | 206 | 250 | 300 | 300 | |
| “O–1 .......... | 125 | 156 | 188 | 206 | 250 | 250 | 250 | |
| “W–4 ......... | 200 | 225 | 275 | 300 | 325 | 325 | 325 | |
| “W–3 ......... | 175 | 225 | 275 | 300 | 325 | 325 | 325 | |
| “W–2 ......... | 150 | 200 | 250 | 275 | 325 | 325 | 325 | |
| “W–1 ......... | 100 | 125 | 150 | 175 | 325 | 325 | 325 | |
| “E–9 .......... | 200 | 225 | 250 | 275 | 300 | 300 | 300 | |
| “E–8 .......... | 200 | 225 | 250 | 275 | 300 | 300 | 300 | |
| “E–7 .......... | 175 | 200 | 225 | 250 | 275 | 275 | 275 | |
| “E–6 .......... | 156 | 175 | 200 | 225 | 250 | 250 | 250 | |
| “E–5 .......... | 125 | 156 | 175 | 188 | 200 | 200 | 200 | |
| “E–4 and below ..... | 125 | 156 | 175 | 188 | 200 | 200 | 200 | |

| "Pay grade—Continued | Years of service as an air weapons controller—Continued | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| | Over 12 | Over 14 | Over 16 | Over 18 | Over 20 | Over 22 | Over 24 | Over 25 |
| "O–7 and above ..... | $200 | $200 | $200 | $200 | $200 | $200 | $200 | $110 |
| "O–6 .......... | 350 | 350 | 350 | 350 | 300 | 250 | 250 | 225 |
| "O–5 .......... | 350 | 350 | 350 | 350 | 300 | 250 | 250 | 225 |
| "O–4 .......... | 350 | 350 | 350 | 350 | 300 | 250 | 250 | 225 |
| "O–3 .......... | 350 | 350 | 350 | 300 | 275 | 250 | 225 | 200 |
| "O–2 .......... | 300 | 300 | 300 | 275 | 245 | 210 | 200 | 180 |
| "O–1 .......... | 250 | 250 | 250 | 245 | 210 | 200 | 180 | 150 |
| "W–4 ......... | 325 | 325 | 325 | 325 | 276 | 250 | 225 | 200 |
| "W–3 ......... | 325 | 325 | 325 | 325 | 325 | 250 | 225 | 200 |
| "W–2 ......... | 325 | 325 | 325 | 325 | 275 | 250 | 225 | 200 |
| "W–1 ......... | 325 | 325 | 325 | 325 | 275 | 250 | 225 | 200 |
| "E–9 .......... | 300 | 300 | 300 | 300 | 275 | 230 | 200 | 200 |
| "E–8 .......... | 300 | 300 | 300 | 300 | 265 | 230 | 200 | 200 |
| "E–7 .......... | 300 | 300 | 300 | 300 | 265 | 230 | 200 | 200 |
| "E–6 .......... | 300 | 300 | 300 | 300 | 265 | 230 | 200 | 200 |
| "E–5 .......... | 250 | 250 | 250 | 250 | 225 | 200 | 175 | 150 |
| "E–4 and below ..... | 200 | 200 | 200 | 200 | 175 | 150 | 125 | 125". |

(c) CONFORMING AMENDMENTS.—Subsection (c)(2) of such section is further amended—

(1) by striking out "an officer" each place it appears and inserting in lieu thereof "a member"; and

(2) by striking out "the officer" each place it appears and inserting in lieu thereof "the member".

### SEC. 616. AVIATION CAREER INCENTIVE PAY.

(a) YEARS OF OPERATIONAL FLYING DUTIES REQUIRED.—Paragraph (4) of section 301a(a) of title 37, United States Code, is amended in the first sentence by striking out "9" and inserting in lieu thereof "8".

(b) EXERCISE OF WAIVER AUTHORITY.—Paragraph (5) of such section is amended by inserting after the second sentence the following new sentence: "The Secretary concerned may not delegate the authority in the preceding sentence to permit the payment of incentive pay under this subsection.".

### SEC. 617. CLARIFICATION OF AUTHORITY TO PROVIDE SPECIAL PAY FOR NURSES.

Section 302c(d)(1) of title 37, United States Code, is amended—

(1) by striking out "or" after "Air Force,"; and

(2) by inserting before the semicolon the following: ", an officer of the Nurse Corps of the Army or Navy, or an officer of the Air Force designated as a nurse".

### SEC. 618. CONTINUOUS ENTITLEMENT TO CAREER SEA PAY FOR CREW MEMBERS OF SHIPS DESIGNATED AS TENDERS.

Subparagraph (A) of section 305a(d)(1) of title 37, United States Code, is amended to read as follows:

"(A) while permanently or temporarily assigned to a ship, ship-based staff, or ship-based aviation unit and—

"(i) while serving on a ship the primary mission of which is accomplished while under way;

"(ii) while serving as a member of the off-crew of a two-crewed submarine; or

"(iii) while serving as a member of a tender-class ship (with the hull classification of submarine or destroyer); or".

### SEC. 619. INCREASE IN MAXIMUM RATE OF SPECIAL DUTY ASSIGNMENT PAY FOR ENLISTED MEMBERS SERVING AS RECRUITERS.

(a) SPECIAL MAXIMUM RATE FOR RECRUITERS.—Section 307(a) of title 37, United States Code, is amended by adding at the end the following new sentence: "In the case of a member who is serving as a military recruiter and is eligible for special duty assignment pay under this subsection on account of such duty, the Secretary concerned may increase the monthly rate of special duty assignment pay for the member to not more than $375.".

37 USC 307 note.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 1996.

## Subtitle C—Travel and Transportation Allowances

### SEC. 621. REPEAL OF REQUIREMENT REGARDING CALCULATION OF ALLOWANCES ON BASIS OF MILEAGE TABLES.

Section 404(d)(1)(A) of title 37, United States Code, is amended by striking out ", based on distances established over the shortest usually traveled route, under mileage tables prepared under the direction of the Secretary of Defense".

### SEC. 622. DEPARTURE ALLOWANCES.

(a) ELIGIBILITY WHEN EVACUATION AUTHORIZED BUT NOT ORDERED.—Section 405a(a) of title 37, United States Code, is amended by striking out "ordered" each place it appears and inserting in lieu thereof "authorized or ordered".

37 USC 405a note.

(b) APPLICATION OF AMENDMENT.—The amendment made by subsection (a) shall apply with respect to persons authorized or ordered to depart as described in section 405a(a) of title 37, United States Code, on or after October 1, 1995.

### SEC. 623. TRANSPORTATION OF NONDEPENDENT CHILD FROM MEMBER'S STATION OVERSEAS AFTER LOSS OF DEPENDENT STATUS WHILE OVERSEAS.

Section 406(h)(1) of title 37, United States Code, is amended in the last sentence—

(1) by striking out "who became 21 years of age" and inserting in lieu thereof "who, by reason of age or graduation from (or cessation of enrollment in) an institution of higher education, would otherwise cease to be a dependent of the member"; and

(2) by inserting "still" after "shall".

### SEC. 624. AUTHORIZATION OF DISLOCATION ALLOWANCE FOR MOVES IN CONNECTION WITH BASE REALIGNMENTS AND CLOSURES.

(a) DISLOCATION ALLOWANCE AUTHORIZED.—Subsection (a) of section 407 of title 37, United States Code, is amended—

(1) by striking out "or" at the end of paragraph (3);

(2) by striking out the period at the end of paragraph (4)(B) and inserting in lieu thereof "; or"; and

(3) by inserting after paragraph (4)(B) the following new paragraph:

“(5) the member is ordered to move in connection wit the closure or realignment of a military installation and, a a result, the member’s dependents actually move or, in th case of a member without dependents, the member actuall moves.”.

(b) CONFORMING AMENDMENTS.—(1) The last sentence of suc subsection is amended—

(A) by striking out “clause (3) or (4)(B)” and insertin in lieu thereof “paragraph (3) or (4)(B)”; and

(B) by striking out “clause (1)” and inserting in lieu thereo “paragraph (1) or (5)”.

(2) Subsection (b) of such section is amended—

(A) by striking out “subsection (a)(3) or (a)(4)(B)” in th first sentence and inserting in lieu thereof “paragraph (3) o (4)(B) of subsection (a)”; and

(B) by striking out “subsection (a)(1)” in the second sentenc and inserting in lieu thereof “paragraph (1) or (5) of subsectio (a)”.

## Subtitle D—Retired Pay, Survivor Benefits and Related Matters

### SEC. 631. EFFECTIVE DATE FOR MILITARY RETIREE COST-OF-LIVIN ADJUSTMENTS FOR FISCAL YEARS 1996, 1997, AND 199

(a) ADJUSTMENT OF EFFECTIVE DATES.—Subparagraph (B) o section 1401a(b)(2) of title 10, United States Code, is amende to read as follows:

“(B) SPECIAL RULES FOR FISCAL YEARS 1996 AND 1998.—

“(i) FISCAL YEAR 1996.—In the case of the increas in retired pay that, pursuant to paragraph (1), become effective on December 1, 1995, the initial month fo which such increase is payable as part of such retire pay shall (notwithstanding such December 1 effecti date) be March 1996.

“(ii) FISCAL YEAR 1998.—In the case of the increas in retired pay that, pursuant to paragraph (1), become effective on December 1, 1997, the initial month fo which such increase is payable as part of such retire pay shall (notwithstanding such December 1 effecti date) be September 1998.”.

10 USC 1401a note.

(b) CONTINGENT ALTERNATIVE DATE FOR FISCAL YEAR 1998.— (1) If a civil service retiree cola that becomes effective durin fiscal year 1998 becomes effective on a date other than the da on which a military retiree cola during that fiscal year is specifie to become effective under subparagraph (B) of section 1401a(b)( of title 10, United States Code, as amended by subsection ( then the increase in military retired and retainer pay shall becom payable as part of such retired and retainer pay effective on th same date on which such civil service retiree cola becomes effecti (notwithstanding the date otherwise specified in such subparagra (B)).

(2) Paragraph (1) does not apply with respect to the retir pay of a person retired under chapter 61 of title 10, United Stat Code.

(3) For purposes of this subsection:

(A) The term "civil service retiree cola" means an increase in annuities under the Civil Service Retirement System either under section 8340(b) of title 5, United States Code, or pursuant to a law providing a general increase in such annuities.

(B) The term "military retiree cola" means an adjustment in retired and retainer pay pursuant to section 1401a(b) of title 10, United States Code.

(c) REPEAL OF PRIOR CONDITIONAL ENACTMENT.—Section 3114A(b) of Public Law 103–335 (108 Stat. 2648) is repealed.

10 USC 1401a, 1401a note.

### SEC. 632. DENIAL OF NON-REGULAR SERVICE RETIRED PAY FOR RESERVES RECEIVING CERTAIN COURT-MARTIAL SENTENCES.

(a) IN GENERAL.—(1) Chapter 1223 of title 10, United States Code, is amended by adding at the end the following new section:

### "§ 12740. Eligibility: denial upon certain punitive discharges or dismissals

"A person who—

"(1) is convicted of an offense under the Uniform Code of Military Justice (chapter 47 of this title) and whose sentence includes death; or

"(2) is separated pursuant to sentence of a court-martial with a dishonorable discharge, a bad conduct discharge, or (in the case of an officer) a dismissal,

is not eligible for retired pay under this chapter.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"12740. Eligibility: denial upon certain punitive discharges or dismissals.".

(b) EFFECTIVE DATE.—Section 12740 of title 10, United States Code, as added by subsection (a), shall apply with respect to court-martial sentences adjudged after the date of the enactment of this Act.

10 USC 12740 note.

### SEC. 633. REPORT ON PAYMENT OF ANNUITIES FOR CERTAIN MILITARY SURVIVING SPOUSES.

(a) STUDY REQUIRED.—(1) The Secretary of Defense shall conduct a study to determine the number of potential beneficiaries there would be if Congress were to enact authority for the Secretary of the military department concerned to pay an annuity to the qualified surviving spouse of each member of the Armed Forces who—

(A) died before March 21, 1974, and was entitled to retired or retainer pay on the date of death; or

(B) was a member of a reserve component who died during the period beginning on September 21, 1972, and ending on October 1, 1978, and at the time of death would have been entitled to retired pay under chapter 67 of title 10, United States Code, but for the fact that he was under 60 years of age.

(2) A qualified surviving spouse for purposes of paragraph (1) is a surviving spouse who has not remarried and who is not eligible for an annuity under section 4 of Public Law 92–425 (10 U.S.C. 1448 note).

(b) REQUIRED DETERMINATIONS.—As part of the study under subsection (a), the Secretary shall determine the following:

(1) The number of unremarried surviving spouses of deceased members and deceased former members of the Armed Forces referred to in subparagraph (A) of subsection (a)(1) who would be eligible for an annuity under authority described in such subsection.

(2) The number of unremarried surviving spouses of deceased members and deceased former members of reserve components referred to in subparagraph (B) of subsection (a)(1) who would be eligible for an annuity under authority described in such subsection.

(3) The number of persons in each group of unremarried former spouses described in paragraphs (1) and (2) who are receiving a widow's insurance benefit or a widower's insurance benefit under title II of the Social Security Act on the basis of employment of a deceased member or deceased former member referred to in subsection (a)(1).

(c) REPORT.—Not later than March 1, 1996, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the results of the study under this section. The Secretary shall include in the report a recommendation on the amount of the annuity that should be authorized to be paid under any authority described in subsection (a)(1), together with a recommendation on whether the annuity should be adjusted annually to offset increases in the cost of living.

## SEC. 634. PAYMENT OF BACK QUARTERS AND SUBSISTENCE ALLOWANCES TO WORLD WAR II VETERANS WHO SERVED AS GUERRILLA FIGHTERS IN THE PHILIPPINES.

(a) IN GENERAL.—The Secretary of the military department concerned shall pay, upon request, to an individual described in subsection (b) the amount determined with respect to that individual under subsection (c).

(b) COVERED INDIVIDUALS.—A payment under subsection (a) shall be made to any individual who as a member of the Armed Forces during World War II—

(1) was captured on the Island of Bataan in the territory of the Philippines by Japanese forces;

(2) participated in the Bataan Death March;

(3) escaped from captivity; and

(4) served as a guerrilla fighter in the Philippines during the period from January 1942 through February 1945.

(c) AMOUNT TO BE PAID.—The amount of a payment under subsection (a) shall be the amount of quarters and subsistence allowance which accrued to an individual described in subsection (b) during the period specified in paragraph (4) of subsection (b) and which was not paid to that individual. The Secretary shall apply interest compounded at the three-month Treasury bill rate.

(d) PAYMENT TO SURVIVORS.—In the case of any individual described in subsection (b) who is deceased, payment under this section with respect to that individual shall be made to that individual's nearest surviving relative, as determined by the Secretary concerned.

10 USC 1448 note.

## SEC. 635. AUTHORITY FOR RELIEF FROM PREVIOUS OVERPAYMENTS UNDER MINIMUM INCOME WIDOWS PROGRAM.

(a) AUTHORITY.—The Secretary of Defense may waive recovery by the United States of any overpayment by the United States escribed in subsection (b). In the case of any such waiver, any ebt to the United States arising from such overpayment is forgiven.

(b) COVERED OVERPAYMENTS.—Subsection (a) applies in the ase of an overpayment by the United States that—

(1) was made before the date of the enactment of this Act under section 4 of Public Law 92–425 (10 U.S.C. 1448 note); and

(2) is attributable to failure by the Department of Defense to apply the eligibility provisions of subsection (a) of such section in the case of the person to whom the overpayment was made.

### EC. 636. TRANSITIONAL COMPENSATION FOR DEPENDENTS OF MEMBERS OF THE ARMED FORCES SEPARATED FOR DEPENDENT ABUSE.

(a) COVERAGE OF PROGRAM.—Subsection (a) of section 1059 f title 10, United States Code, is amended by adding at the end he following: “Upon establishment of such a program, the program hall apply in the case of each such member described in subsection b) who is under the jurisdiction of the Secretary establishing the rogram.”.

(b) CLARIFICATION OF PAYMENT TO DEPENDENTS OF MEMBERS NOT DISCHARGED.—Subsection (d) of such section is amended—

(1) in the matter preceding paragraph (1)—

(A) by striking out “any case of a separation from active duty as described in subsection (b)” and inserting in lieu thereof “the case of any individual described in subsection (b)”; and

(B) by striking “former member” and inserting in lieu thereof “individual”;

(2) in paragraph (1)—

(A) by striking out “former member” and inserting in lieu thereof “individual”; and

(B) by striking out “member” and inserting in lieu thereof “individual”;

(3) in paragraph (2), by striking out “former member” both places it appears and inserting in lieu thereof “individual described in subsection (b)”;

(4) in paragraph (3), by striking out “former member” and inserting in lieu thereof “individual described in subsection (b)”; and

(5) in paragraph (4), by striking out “member” both places it appears and inserting in lieu thereof “individual described in subsection (b)”.

(c) EFFECTIVE DATE.—Section 554(b) of the National Defense uthorization Act for Fiscal Year 1994 (10 U.S.C. 1059 note) is mended—

(1) in paragraph (1), by striking out “on or after the date of the enactment of this Act” and inserting in lieu thereof “after November 29, 1993”; and

(2) by striking out paragraph (2) and inserting in lieu thereof the following:

“(2) Payments of transitional compensation under that section n the case of any person eligible to receive payments under that ection shall be made for each month after November 1993 for which that person may be paid transitional compensation in accordance with that section.”.

## Subtitle E—Other Matters

### SEC. 641. PAYMENT TO SURVIVORS OF DECEASED MEMBERS FOR AL LEAVE ACCRUED.

(a) Inapplicability of 60-Day Limitation.—Section 501(d) o title 37, United States Code, is amended—

(1) in paragraph (1), by striking out the third sentence and

(2) by striking out paragraph (2) and inserting in lie thereof the following new paragraph:

"(2) The limitations in the second sentence of subsection (b)(3) subsection (f), and the second sentence of subsection (g) shall no apply with respect to a payment made under this subsection."

(b) Conforming Amendment.—Section 501(f) of such title i amended by striking out ", (d)," in the first sentence.

### SEC. 642. REPEAL OF REPORTING REQUIREMENTS REGARDING COMPENSATION MATTERS.

(a) Report on Travel and Transportation Allowances fo Dependents.—(1) Section 406 of title 37, United States Code, i amended—

(A) by striking out subsection (i); and

(B) by redesignating subsections (j), (k), (l), (m), and (n as subsections (i), (j), (k), (l), and (m), respectively.

(2) Section 2634(d) of title 10, United States Code, is amende by striking out "section 406(l) of title 37" and inserting in lie thereof "section 406(k) of title 37".

(b) Annual Review of Pay and Allowances.—Section 1008(a of title 37, United States Code, is amended by striking out th second sentence.

(c) Report on Quadrennial Review of Adjustments in Compensation.—Section 1009(f) of such title is amended by strikin out "of this title," and all that follows through the period at th end and inserting in lieu thereof "of this title.".

### SEC. 643. RECOUPMENT OF ADMINISTRATIVE EXPENSES IN GARNISHMENT ACTIONS.

(a) In General.—Subsection (j) of section 5520a of title 5 United States Code, is amended by striking out paragraph (2 and inserting in lieu thereof the following new paragraph:

"(2) Such regulations shall provide that an agency's administrative costs incurred in executing legal process to which the agenc is subject under this section shall be deducted from the amoun withheld from the pay of the employee concerned pursuant to th legal process.".

(b) Involuntary Allotments of Pay of Members of th Uniformed Services.—Subsection (k) of such section is amended—

(1) by redesignating paragraph (3) as paragraph (4); an

(2) by inserting after paragraph (2) the following ne paragraph:

"(3) Regulations under this subsection may also provide tha the administrative costs incurred in establishing and maintainin an involuntary allotment be deducted from the amount withhel from the pay of the member of the uniformed services concerne pursuant to such regulations.".

(c) DISPOSITION OF AMOUNTS WITHHELD FOR ADMINISTRATIVE XPENSES.—Such section is further amended by adding at the end he following:

“(l) The amount of an agency’s administrative costs deducted nder regulations prescribed pursuant to subsection (j)(2) or (k)(3) hall be credited to the appropriation, fund, or account from which uch administrative costs were paid.”.

### EC. 644. REPORT ON EXTENDING TO JUNIOR NONCOMMISSIONED OFFICERS PRIVILEGES PROVIDED FOR SENIOR NONCOMMISSIONED OFFICERS.

(a) REPORT REQUIRED.—Not later than February 1, 1996, the ecretary of Defense shall submit to Congress a report containing he determinations of the Secretary regarding whether, in order improve the working conditions of noncommissioned officers in ay grades E–5 and E–6, any of the privileges afforded noncommisioned officers in any of the pay grades above E–6 should be xtended to noncommissioned officers in pay grades E–5 and –6.

(b) SPECIFIC RECOMMENDATION REGARDING ELECTION OF AS.—The Secretary shall include in the report a determination n whether noncommissioned officers in pay grades E–5 and –6 should be afforded the same privilege as noncommissioned ficers in pay grades above E–6 to elect to mess separately and eceive the basic allowance for subsistence.

(c) ADDITIONAL MATTERS.—The report shall also contain a scussion of the following matters:

(1) The potential costs of extending additional privileges to noncommissioned officers in pay grades E–5 and E–6.

(2) The effects on readiness that would result from extending the additional privileges.

(3) The options for extending the privileges on an incremental basis over an extended period.

(d) RECOMMENDED LEGISLATION.—The Secretary shall include the report any recommended legislation that the Secretary nsiders necessary in order to authorize extension of a privilege s determined appropriate under subsection (a).

### EC. 645. STUDY REGARDING JOINT PROCESS FOR DETERMINING LOCATION OF RECRUITING STATIONS.

(a) STUDY REQUIRED.—The Secretary of Defense shall conduct study regarding the feasibility of—

(1) using a joint process among the Armed Forces for determining the location of recruiting stations and the number of military personnel required to operate such stations; and

(2) basing such determinations on market research and analysis conducted jointly by the Armed Forces.

(b) REPORT.—Not later than March 31, 1996, the Secretary Defense shall submit to Congress a report describing the results the study. The report shall include a recommended method r measuring the efficiency of individual recruiting stations, such s cost per accession or other efficiency standard, as determined the Secretary.

### EC. 646. AUTOMATIC MAXIMUM COVERAGE UNDER SERVICEMEN’S GROUP LIFE INSURANCE.

Effective April 1, 1996, section 1967 of title 38, United States ode, is amended—

Effective date.

(1) in subsections (a) and (c), by striking out “$100,000 each place it appears and inserting in lieu thereof in eac instance “$200,000”;

(2) by striking out subsection (e); and

(3) by redesignating subsection (f) as subsection (e).

### SEC. 647. TERMINATION OF SERVICEMEN'S GROUP LIFE INSURANC FOR MEMBERS OF THE READY RESERVE WHO FAIL T PAY PREMIUMS.

(a) AUTHORITY.—Section 1969(a)(2) of title 38, United State Code, is amended—

(1) by inserting “(A)” after “(2)”; and

(2) by adding at the end the following:

Notice.
Effective date.

“(B) If an individual who is required pursuant to subparagrap (A) to make a direct remittance of costs to the Secretary concerne fails to make the required remittance within 60 days of the dat on which such remittance is due, such individual's insurance wit respect to which such remittance is required shall be terminate by the Secretary concerned. Such termination shall be made b written notice to the individual's official address and shall be effec tive 60 days after the date of such notice. Such termination c insurance may be vacated if, before the effective date of terminatio the individual remits all amounts past due for such insuranc and demonstrates to the satisfaction of the Secretary concerne that the failure to make timely remittances was justifiable.”.

(b) CONFORMING AMENDMENT.—Section 1968(a) is amended b inserting “(or discontinued pursuant to section 1969(a)(2)(B) of thi title)” in the matter preceding paragraph (1) after “upon the writte request of the insured”.

38 USC 1968 note.

(c) EFFECTIVE DATE.—The amendments made by this sectio shall take effect on April 1, 1996.

# TITLE VII—HEALTH CARE PROVISIONS

## Subtitle A—Health Care Services

### SEC. 701. MODIFICATION OF REQUIREMENTS REGARDING ROUTIN PHYSICAL EXAMINATIONS AND IMMUNIZATIONS UNDE CHAMPUS.

Section 1079(a) of title 10, United States Code, is amende by striking out paragraph (2) and inserting in lieu thereof th following new paragraph:

“(2) consistent with such regulations as the Secretary c Defense may prescribe regarding the content of health pro motion and disease prevention visits, the schedule of pa smears and mammograms, and the types and schedule c immunizations—

“(A) for dependents under six years of age, both healt promotion and disease prevention visits and immunization may be provided; and

“(B) for dependents six years of age or older, healt promotion and disease prevention visits may be provide in connection with immunizations or with diagnostic o preventive pap smears and mammograms;”.

### C. 702. CORRECTION OF INEQUITIES IN MEDICAL AND DENTAL CARE AND DEATH AND DISABILITY BENEFITS FOR CERTAIN RESERVES.

(a) MEDICAL AND DENTAL CARE.—Section 1074a(a) of title 10, ited States Code, is amended by adding at the end the following w paragraph:

"(3) Each member of the armed forces who incurs or aggravates an injury, illness, or disease in the line of duty while remaining overnight, between successive periods of inactive-duty training, at or in the vicinity of the site of the inactive-duty training, if the site is outside reasonable commuting distance from the member's residence.".

(b) RECOVERY, CARE, AND DISPOSITION OF REMAINS.—Section 81(a)(2) of title 10, United States Code, is amended—

(1) in subparagraph (C), by striking out "or" at the end of the subparagraph;

(2) by redesignating subparagraph (D) as subparagraph (E); and

(3) by inserting after subparagraph (C) the following new subparagraph:

"(D) remaining overnight, between successive periods of inactive-duty training, at or in the vicinity of the site of the inactive-duty training, if the site is outside reasonable commuting distance from the member's residence; or".

(c) ENTITLEMENT TO BASIC PAY.—(1) Subsection (g)(1) of section 4 of title 37, United States Code, is amended—

(A) in subparagraph (B), by striking out "or" at the end of the subparagraph;

(B) in subparagraph (C), by striking out the period at the end of the subparagraph and inserting in lieu thereof "; or"; and

(C) by inserting after subparagraph (C) the following new subparagraph:

"(D) in line of duty while remaining overnight, between successive periods of inactive-duty training, at or in the vicinity of the site of the inactive-duty training, if the site is outside reasonable commuting distance from the member's residence.".

(2) Subsection (h)(1) of such section is amended—

(A) in subparagraph (B), by striking out "or" at the end of the subparagraph;

(B) in subparagraph (C), by striking out the period at the end of the subparagraph and inserting in lieu thereof "; or"; and

(C) by inserting after subparagraph (C) the following new subparagraph:

"(D) in line of duty while remaining overnight, between successive periods of inactive-duty training, at or in the vicinity of the site of the inactive-duty training, if the site is outside reasonable commuting distance from the member's residence.".

(d) COMPENSATION FOR INACTIVE-DUTY TRAINING.—Section 6(a)(3) of title 37, United States Code, is amended—

(1) in subparagraph (A), by striking out "or" at the end of clause (ii);

(2) in subparagraph (B), by striking out the period at the end of the subparagraph and inserting in lieu thereof "; or"; and

(3) by inserting after subparagraph (B) the following new subparagraph:

"(C) in line of duty while remaining overnight, between successive periods of inactive-duty training, at or in the vicinity of the site of the inactive-duty training, if the site is outside reasonable commuting distance from the member's residence.".

### SEC. 703. MEDICAL CARE FOR SURVIVING DEPENDENTS OF RETIRED RESERVES WHO DIE BEFORE AGE 60.

(a) CHANGE IN ELIGIBILITY REQUIREMENTS.—Paragraph (2) o section 1076(b) of title 10, United States Code, is amended—

(1) by striking out "death (A) would" and inserting in lieu thereof "death would"; and

(2) by striking out ", and (B) had elected to participate in the Survivor Benefit Plan established under subchapter I of chapter 73 of this title".

(b) CONFORMING AMENDMENTS.—Such paragraph is further amended—

(1) in the matter following paragraph (2), by striking ou "clause (2)" the first place it appears and inserting in lieu thereof "paragraph (2)"; and

(2) by striking out the second sentence.

### SEC. 704. MEDICAL AND DENTAL CARE FOR MEMBERS OF THE SELECTED RESERVE ASSIGNED TO EARLY DEPLOYING UNITS OF THE ARMY SELECTED RESERVE.

(a) ANNUAL MEDICAL AND DENTAL SCREENINGS AND CARE.—Section 1074a of title 10, United States Code, is amended—

(1) in subsection (c), by striking out "this section" and inserting in lieu thereof "subsection (b)"; and

(2) by adding at the end the following new subsection

"(d)(1) The Secretary of the Army shall provide to members of the Selected Reserve of the Army who are assigned to units scheduled for deployment within 75 days after mobilization the following medical and dental services:

"(A) An annual medical screening.

"(B) For members who are over 40 years of age, a ful physical examination not less often than once every two years

"(C) An annual dental screening.

"(D) The dental care identified in an annual dental screening as required to ensure that a member meets the denta standards required for deployment in the event of mobilization

"(2) The services provided under this subsection shall be provided at no cost to the member.".

10 USC 10105 note.

(b) CONFORMING REPEALS.—Sections 1117 and 1118 of the Army National Guard Combat Readiness Reform Act of 1992 (title X of Public Law 102–484; 10 U.S.C. 3077 note) are repealed.

### SEC. 705. DENTAL INSURANCE FOR MEMBERS OF THE SELECTED RESERVE.

(a) PROGRAM AUTHORIZATION.—(1) Chapter 55 of title 10 United States Code, is amended by inserting after section 1076a the following new section:

**"§ 1076b. Selected Reserve dental insurance**

"(a) AUTHORITY TO ESTABLISH PLAN.—The Secretary of Defense shall establish a dental insurance plan for members of the Selected eserve of the Ready Reserve. The plan shall provide for voluntary rollment and for premium sharing between the Department of efense and the members enrolled in the plan. The plan shall administered under regulations prescribed by the Secretary of efense.

Regulations.

“(b) PREMIUM SHARING.—(1) A member enrolling in the dental surance plan shall pay a share of the premium charged for the surance coverage. The member's share may not exceed $25 per onth.

“(2) The Secretary of Defense may reduce the monthly premium quired to be paid by enlisted members under paragraph (1) if e Secretary determines that the reduction is appropriate in order assist enlisted members to participate in the dental insurance an.

“(3) A member's share of the premium for coverage by the ntal insurance plan shall be deducted and withheld from the sic pay payable to the member for inactive duty training and om the basic pay payable to the member for active duty.

“(4) The Secretary of Defense shall pay the portion of the emium charged for coverage of a member under the dental insur-ce plan that exceeds the amount paid by the member.

“(c) BENEFITS AVAILABLE UNDER THE PLAN.—The dental insur-ce plan shall provide benefits for basic dental care and treatment, cluding diagnostic services, preventative services, basic restorative rvices, and emergency oral examinations.

“(d) TERMINATION OF COVERAGE.—The coverage of a member the dental insurance plan shall terminate on the last day of e month in which the member is discharged, transfers to the dividual Ready Reserve, Standby Reserve, or Retired Reserve, is ordered to active duty for a period of more than 30 days.”.

(2) The table of sections at the beginning of such chapter amended by inserting after the item relating to section 1076a e following:

76b. Selected Reserve dental insurance.”.

10 USC 1076b note.

(b) IMPLEMENTATION.—Beginning not later than October 1, 96, the Secretary of Defense shall offer members of the Selected eserve the opportunity to enroll in the dental insurance plan quired under section 1076b of title 10, United States Code (as ded by subsection (a)). During fiscal year 1996, the Secretary all collect such information and complete such planning and her preparations as are necessary to offer and administer the ntal insurance plan by that date. The activities undertaken by e Secretary under this subsection during fiscal year 1996 may clude—

(1) surveys; and

(2) tests, in not more than three States, of a dental insurance plan or alternative dental insurance plans meeting the requirements of section 1076b of title 10, United States Code.

## C. 706. PERMANENT AUTHORITY TO CARRY OUT SPECIALIZED TREATMENT FACILITY PROGRAM.

Section 1105 of title 10, United States Code, is amended by riking out subsection (h).

## Subtitle B—TRICARE Program

10 USC 1073 note.

### SEC. 711. DEFINITION OF TRICARE PROGRAM.

For purposes of this subtitle, the term “TRICARE program means the managed health care program that is established b the Secretary of Defense under the authority of chapter 55 title 10, United States Code, principally section 1097 of such titl and includes the competitive selection of contractors to financiall underwrite the delivery of health care services under the Civilia Health and Medical Program of the Uniformed Services.

### SEC. 712. PRIORITY USE OF MILITARY TREATMENT FACILITIES FO PERSONS ENROLLED IN MANAGED CARE INITIATIVES.

Section 1097(c) of title 10, United States Code, is amende in the third sentence by striking out “However, the Secretary may and inserting in lieu thereof “Notwithstanding the preference established by sections 1074(b) and 1076 of this title, the Secretar shall”.

### SEC. 713. STAGGERED PAYMENT OF ENROLLMENT FEES FOR TRICAR PROGRAM.

Section 1097(e) of title 10, United States Code, is amende by adding at the end the following new sentence: “Without imposin additional costs on covered beneficiaries who participate in contract for health care services under this section or health care plan offered under section 1099 of this title, the Secretary shall perm such covered beneficiaries to pay, on a quarterly basis, any enrol ment fee required for such participation.”.

### SEC. 714. REQUIREMENT OF BUDGET NEUTRALITY FOR TRICARE PR GRAM TO BE BASED ON ENTIRE PROGRAM.

(a) CHANGE IN BUDGET NEUTRALITY REQUIREMENTS.—Sub section (c) of section 731 of the National Defense Authorizatio Act for Fiscal Year 1994 (Public Law 103–160; 10 U.S.C. 107 note) is amended—

(1) by striking out “each managed health care initiativ that includes the option” and inserting in lieu thereof “th TRICARE program”; and

(2) by striking out “covered beneficiaries who enroll i the option” and inserting in lieu thereof “members of the un formed services and covered beneficiaries who participate i the TRICARE program”.

(b) ADDITION OF DEFINITION OF TRICARE PROGRAM.—Sub section (d) of such section is amended to read as follows:

“(d) DEFINITIONS.—For purposes of this section:

“(1) The term ‘covered beneficiary’ means a beneficiar under chapter 55 of title 10, United States Code, other tha a beneficiary under section 1074(a) of such title.

“(2) The term ‘TRICARE program’ means the manage health care program that is established by the Secretary Defense under the authority of chapter 55 of title 10, Unite States Code, principally section 1097 of such title, and include the competitive selection of contractors to financially underwrit the delivery of health care services under the Civilian Healt and Medical Program of the Uniformed Services.”.

### EC. 715. TRAINING IN HEALTH CARE MANAGEMENT AND ADMINISTRATION FOR TRICARE LEAD AGENTS.

10 USC 1073 note.

(a) PROVISION OF TRAINING.—Not later than six months after ie date of the enactment of this Act, the Secretary of Defense iall implement a professional educational program to provide ppropriate training in health care management and administraon—

(1) to each commander of a military medical treatment facility of the Department of Defense who is selected to serve as a lead agent to coordinate the delivery of health care by military and civilian providers under the TRICARE program; and

(2) to appropriate members of the support staff of the treatment facility who will be responsible for daily operation of the TRICARE program.

(b) REPORT ON IMPLEMENTATION.—Not later than six months ter the date of the enactment of this Act, the Secretary of Defense iall submit to Congress a report describing the professional eduational program implemented pursuant to this section.

### EC. 716. PILOT PROGRAM OF INDIVIDUALIZED RESIDENTIAL MENTAL HEALTH SERVICES.

Children and youth.
10 USC 1073 note.

(a) PROGRAM REQUIRED.—(1) During fiscal year 1996, the Sectary of Defense, in consultation with the other administering ecretaries under chapter 55 of title 10, United States Code, shall nplement a pilot program to provide residential and wraparound rvices to children described in paragraph (2) who are in need mental health services. The Secretary shall implement the pilot ogram for an initial period of at least two years in a military ealth care region in which the TRICARE program has been nplemented.

(2) A child shall be eligible for selection to participate in the lot program if the child is a dependent (as described in subparaaph (D) or (I) of section 1072(2) of title 10, United States Code) ho—

(A) is eligible for health care under section 1079 or 1086 of such title; and

(B) has a serious emotional disturbance that is generally regarded as amenable to treatment.

(b) WRAPAROUND SERVICES DEFINED.—For purposes of this secon, the term "wraparound services" means individualized mental ealth services that are provided principally to allow a child to main in the family home or other least-restrictive and least-stly setting, but also are provided as an aftercare planning service r children who have received acute or residential care. Such rm includes nontraditional mental health services that will assist e child to be maintained in the least-restrictive and least-costly tting.

(c) PILOT PROGRAM AGREEMENT.—Under the pilot program the ecretary of Defense shall enter into one or more agreements that quire a mental health services provider under the agreement—

(1) to provide wraparound services to a child described in subsection (a)(2);

(2) to continue to provide such services as needed during the period of the agreement even if the child moves to another location within the same TRICARE program region during that period; and

(3) to share financial risk by accepting as a maximur annual payment for such services a case-rate reimbursemen not in excess of the amount of the annual standard CHAMPU residential treatment benefit payable (as determined in accorc ance with section 8.1 of chapter 3 of volume II of the CHAMPU policy manual).

(d) REPORT.—Not later than March 1, 1998, the Secretary c Defense shall submit to the Committee on Armed Services of th Senate and the Committee on National Security of the House c Representatives a report on the program carried out under thi section. The report shall contain—

(1) an assessment of the effectiveness of the program; an

(2) the Secretary's views regarding whether the prograr should be implemented throughout the military health car system.

10 USC 1073 note.

## SEC. 717. EVALUATION AND REPORT ON TRICARE PROGRAI EFFECTIVENESS.

(a) EVALUATION REQUIRED.—The Secretary of Defense sha arrange for an on-going evaluation of the effectiveness of th TRICARE program in meeting the goals of increasing the acces of covered beneficiaries under chapter 55 of title 10, United State Code, to health care and improving the quality of health car provided to covered beneficiaries, without increasing the cost incurred by the Government or covered beneficiaries. The evaluatio shall specifically address—

(1) the impact of the TRICARE program on military retiree with regard to access, costs, and quality of health care service and

(2) identify noncatchment areas in which the healt maintenance organization option of the TRICARE program i available or is proposed to become available.

(b) ENTITY TO CONDUCT EVALUATION.—The Secretary may us a federally funded research and development center to conduc the evaluation required by subsection (a).

(c) ANNUAL REPORT.—Not later than March 1, 1997, and eac March 1 thereafter, the Secretary shall submit to Congress a repor describing the results of the evaluation under subsection (a) durin the preceding year.

## SEC. 718. SENSE OF CONGRESS REGARDING ACCESS TO HEALTH CAR UNDER TRICARE PROGRAM FOR COVERED BENEFICIARIE WHO ARE MEDICARE ELIGIBLE.

(a) FINDINGS.—Congress finds the following:

(1) Medical care provided in facilities of the uniforme services is generally less expensive to the Federal Governmen than the same care provided at Government expense in th private sector.

(2) Covered beneficiaries under the military health car provisions of chapter 55, United States Code, who are eligibl for medicare under title XVIII of the Social Security Act (4 U.S.C. 1395 et seq.) deserve health care options that empowe them to choose the health plan that best fits their need

(b) SENSE OF CONGRESS.—In light of the findings specifie in subsection (a), it is the sense of Congress that—

(1) the Secretary of Defense should develop a prograr to ensure that such covered beneficiaries who reside in a regio in which the TRICARE program has been implemented cor

tinue to have adequate access to health care services after the implementation of the TRICARE program; and

(2) as a means of ensuring such access, the budget for fiscal year 1997 submitted by the President under section 1105 of title 31, United States Code, should provide for reimbursement by the Health Care Financing Administration to the Department of Defense for health care services provided to such covered beneficiaries in medical treatment facilities of the Department of Defense.

## Subtitle C—Uniformed Services Treatment Facilities

### EC. 721. DELAY OF TERMINATION OF STATUS OF CERTAIN FACILITIES AS UNIFORMED SERVICES TREATMENT FACILITIES.

Section 1252(e) of the Department of Defense Authorization ct, 1984 (42 U.S.C. 248d(e)) is amended by striking out "December 1, 1996" in the first sentence and inserting in lieu thereof "Septemer 30, 1997".

### EC. 722. LIMITATION ON EXPENDITURES TO SUPPORT UNIFORMED SERVICES TREATMENT FACILITIES.

Subsection (f) of section 1252 of the Department of Defense uthorization Act, 1984 (42 U.S.C. 248d), is amended to read as llows:

"(f) LIMITATION ON EXPENDITURES.—The total amount of xpenditures by the Secretary of Defense to carry out this section nd section 911 of the Military Construction Authorization Act, 982 (42 U.S.C. 248c), for fiscal year 1996 may not exceed 300,000,000, adjusted by the Secretary to reflect the inflation ctor used by the Department of Defense for such fiscal year.".

### EC. 723. APPLICATION OF CHAMPUS PAYMENT RULES IN CERTAIN CASES.

Section 1074 of title 10, United States Code, is amended by dding at the end the following new subsection:

"(d)(1) The Secretary of Defense may require, by regulation, private CHAMPUS provider to apply the CHAMPUS payment ules (subject to any modifications considered appropriate by the ecretary) in imposing charges for health care that the private HAMPUS provider provides to a member of the uniformed services ho is enrolled in a health care plan of a facility deemed to e a facility of the uniformed services under section 911(a) of he Military Construction Authorization Act, 1982 (42 U.S.C. 48c(a)) when the health care is provided outside the catchment rea of the facility.

"(2) In this subsection:

"(A) The term 'private CHAMPUS provider' means a private facility or health care provider that is a health care provider under the Civilian Health and Medical Program of the Uniformed Services.

"(B) The term 'CHAMPUS payment rules' means the payment rules referred to in subsection (c).

Regulations.

"(3) The Secretary of Defense shall prescribe regulations under his subsection after consultation with the other administering Secetaries.".

### SEC. 724. APPLICATION OF FEDERAL ACQUISITION REGULATION T PARTICIPATION AGREEMENTS WITH UNIFORMED SER ICES TREATMENT FACILITIES.

42 USC 248c note.

(a) Section 718(c) of the National Defense Authorization A for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1587) amended—

(1) in the second sentence of paragraph (1), by strikir out "A participation agreement" and inserting in lieu there "Except as provided in paragraph (4), a participatic agreement";

(2) by redesignating paragraph (4) as paragraph (6); an

(3) by inserting after paragraph (3) the following new par graph:

"(4) APPLICATION OF FEDERAL ACQUISITION REGULATION.- On and after the date of the enactment of this paragrapl Uniformed Services Treatment Facilities and any participatic agreement between Uniformed Services Treatment Faciliti and the Secretary of Defense shall be subject to the Feder Acquisition Regulation issued pursuant to section 25(c) of tl Office of Federal Procurement Policy Act (41 U.S.C. 421(c notwithstanding any provision to the contrary in such a partic pation agreement. The requirements regarding competition i the Federal Acquisition Regulation shall apply with regar to the negotiation of any new participation agreement betwee the Uniformed Services Treatment Facilities and the Secretar of Defense under this subsection or any other provision law.".

(b) SENSE OF CONGRESS.—(1) Congress finds that the Uniforme Services Treatment Facilities provide quality health care to tl 120,000 Department of Defense beneficiaries enrolled in the Un formed Services Family Health Plan provided by these facilitie

(2) In light of such finding, it is the sense of Congress th the Uniformed Services Family Health Plan provided by the Un formed Services Treatment Facilities should not be terminated fc convenience under provisions of the Federal Acquisition Regulatio by the Secretary of Defense before the expiration of the currer participation agreements.

(3) For purposes of this subsection, the term "Uniformed Ser ices Treatment Facility" means a facility deemed to be a facilit of the uniformed services by virtue of section 911(a) of the Militar Construction Authorization Act, 1982 (42 U.S.C. 248c(a)).

### SEC. 725. DEVELOPMENT OF PLAN FOR INTEGRATING UNIFORME SERVICES TREATMENT FACILITIES IN MANAGED CAR PROGRAMS OF DEPARTMENT OF DEFENSE.

42 USC 248c note.

Section 718(c) of the National Defense Authorization Act fc Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1587) is amende by inserting after paragraph (4), as added by section 722, th following new paragraph:

"(5) PLAN FOR INTEGRATING FACILITIES.—(A) The Secretar of Defense shall develop a plan under which Uniformed Service Treatment Facilities could be included, before the expiratio date of the participation agreements entered into under thi section, in the exclusive health care provider networks estat lished by the Secretary for the geographic regions in whic the facilities are located. The Secretary shall address in th plan the feasibility of implementing the managed care pla of the Uniformed Services Treatment Facilities, known as Option II, on a mandatory basis for all USTF Medicare-eligible beneficiaries and the potential cost savings to the Military Health Care Program that could be achieved under such option.

"(B) The Secretary shall submit the plan developed under this paragraph to Congress not later than March 1, 1996.

"(C) The plan developed under this paragraph shall be consistent with the requirements specified in paragraph (4). If the plan is not submitted to Congress by the expiration date of the participation agreements entered into under this section, the participation agreements shall remain in effect, at the option of the Uniformed Services Treatment Facilities, until the end of the 180-day period beginning on the date the plan is finally submitted.

"(D) For purposes of this paragraph, the term 'USTF Medicare-eligible beneficiaries' means covered beneficiaries under chapter 55 of title 10, United States Code, who are enrolled in a managed health plan offered by the Uniformed Services Treatment Facilities and entitled to hospital insurance benefits under part A of title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.).".

### EC. 726. EQUITABLE IMPLEMENTATION OF UNIFORM COST SHARING REQUIREMENTS FOR UNIFORMED SERVICES TREATMENT FACILITIES.

42 USC 248c note.

(a) TIME FOR FEE IMPLEMENTATION.—The uniform managed are benefit fee and copayment schedule developed by the Secretary f Defense for use in all managed care initiatives of the military ealth service system, including the managed care program of the niformed Services Treatment Facilities, shall be extended to the anaged care program of a Uniformed Services Treatment Facility nly after the later of—

(1) the implementation of the TRICARE regional program covering the service area of the Uniformed Services Treatment Facility; or

(2) October 1, 1996.

(b) SUBMISSION OF ACTUARIAL ESTIMATES.—Paragraph (2) of ubsection (a) shall operate as a condition on the extension of he uniform managed care benefit fee and copayment schedule o the Uniformed Services Treatment Facilities only if the Uniormed Services Treatment Facilities submit to the Comptroller eneral of the United States, within 30 days after the date of he enactment of this Act, actuarial estimates in support of their ontention that the extension of such fees and copayments will ave an adverse effect on the operation of the Uniformed Services reatment Facilities and the enrollment of participants.

(c) EVALUATION.—(1) Except as provided in paragraph (2), not ater than 90 days after the date of the enactment of this Act, he Comptroller General shall submit to Congress the results of n evaluation of the effect on the Uniformed Services Treatment acilities of the extension of the uniform benefit fee and copayment chedule to the Uniformed Services Treatment Facilities. The valuation shall include an examination of whether the benefit ee and copayment schedule may—

(A) cause adverse selection of enrollees;

(B) be inappropriate for a fully at-risk program similar to civilian health maintenance organizations; or

(C) result in an enrolled population dissimilar to the ge eral beneficiary population.

(2) The Comptroller General shall not be required to prepa or submit the evaluation under paragraph (1) if the Uniform Services Treatment Facilities fail to satisfactorily comply with su section (b), as determined by the Comptroller General.

### SEC. 727. ELIMINATION OF UNNECESSARY ANNUAL REPORTIN REQUIREMENT REGARDING UNIFORMED SERVIC TREATMENT FACILITIES.

Section 1252 of the Department of Defense Authorization Ac 1984 (42 U.S.C. 248d), is amended by striking out subsection (c

## Subtitle D—Other Changes to Existing Laws Regarding Health Care Managemen

### SEC. 731. MAXIMUM ALLOWABLE PAYMENTS TO INDIVIDUAL HEALT CARE PROVIDERS UNDER CHAMPUS.

(a) MAXIMUM PAYMENT.—Subsection (h) of section 1079 of tit 10, United States Code, is amended by striking out paragrap (1) and inserting in lieu thereof the following new paragraph:

"(1) Payment for a charge for services by an individual healt care professional (or other noninstitutional health care provide for which a claim is submitted under a plan contracted for unde subsection (a) may not exceed the lesser of—

"(A) the amount equivalent to the 80th percentile of bille charges made for similar services in the same locality durin the base period; or

"(B) an amount determined to be appropriate, to the exter practicable, in accordance with the same reimbursement rule as apply to payments for similar services under title XVI of the Social Security Act (42 U.S.C. 1395 et seq.).".

(b) COMPARISON TO MEDICARE PAYMENTS.—Such subsection i further amended by adding at the end the following new paragrapl

"(3) For the purposes of paragraph (1)(B), the appropriate pay ment amount shall be determined by the Secretary of Defens in consultation with the other administering Secretaries.".

(c) EXCEPTIONS AND LIMITATIONS.—Such subsection is furthe amended by inserting after paragraph (3), as added by subsectio (b), the following new paragraphs:

Regulations. "(4) The Secretary of Defense, in consultation with the othe administering Secretaries, shall prescribe regulations to provid for such exceptions to the payment limitations under paragrap (1) as the Secretary determines to be necessary to assure tha covered beneficiaries retain adequate access to health care service Such exceptions may include the payment of amounts higher tha the amount allowed under paragraph (1) when enrollees in manage care programs obtain covered emergency services fro nonparticipating providers. To provide a suitable transition fro the payment methodologies in effect before the date of the enactment of this paragraph to the methodology required by paragrap (1), the amount allowable for any service may not be reduce by more than 15 percent below the amount allowed for the sam service during the immediately preceding 12-month period (or othe period as established by the Secretary of Defense).

Regulations.

“(5) The Secretary of Defense, in consultation with the other administering Secretaries, shall prescribe regulations to establish limitations (similar to the limitations established under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.)) on beneficiary liability for charges of an individual health care professional (or other noninstitutional health care provider).”.

(d) CONFORMING AMENDMENT.—Paragraph (2) of such subsection is amended by striking out “paragraph (1)” and inserting n lieu thereof “paragraph (1)(A)”.

(e) REPORT ON EFFECT OF AMENDMENTS.—Not later than March 1, 1996, the Secretary of Defense shall submit to Congress a report analyzing the effect of the amendments made by this section on the ability or willingness of individual health care professionals and other noninstitutional health care providers to participate in the Civilian Health and Medical Program of the Uniformed Services.

## SEC. 732. NOTIFICATION OF CERTAIN CHAMPUS COVERED BENEFICIARIES OF LOSS OF CHAMPUS ELIGIBILITY.

Section 1086(d) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(4) The administering Secretaries shall develop a mechanism by which persons described in paragraph (1) who satisfy only the criteria specified in subparagraphs (A) and (B) of paragraph (2), but not subparagraph (C) of such paragraph, are promptly notified of their ineligibility for health benefits under this section. In developing the notification mechanism, the administering Secretaries shall consult with the administrator of the Health Care Financing Administration.”.

## SEC. 733. PERSONAL SERVICES CONTRACTS FOR MEDICAL TREATMENT FACILITIES OF THE COAST GUARD.

(a) CONTRACTING AUTHORITY.—Section 1091(a) of title 10, United States Code, is amended—

(1) by inserting after “Secretary of Defense” the following: “, with respect to medical treatment facilities of the Department of Defense, and the Secretary of Transportation, with respect to medical treatment facilities of the Coast Guard when the Coast Guard is not operating as a service in the Navy,”; and

(2) by striking out “medical treatment facilities of the Department of Defense” and inserting in lieu thereof “such facilities”.

10 USC 1091 note.

(b) RATIFICATION OF EXISTING CONTRACTS.—Any exercise of authority under section 1091 of title 10, United States Code, to enter into a personal services contract on behalf of the Coast Guard before the effective date of the amendments made by subsection (a) is hereby ratified.

10 USC 1091 note.

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as of October 1, 1995.

## SEC. 734. IDENTIFICATION OF THIRD-PARTY PAYER SITUATIONS.

Section 1095 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(k)(1) To improve the administration of this section and sections 1079(j)(1) and 1086(d) of this title, the Secretary of Defense, in consultation with the other administering Secretaries, may prescribe regulations providing for the collection of information regarding insurance, medical service, or health plans of third-party payers held by covered beneficiaries.

"(2) The collection of information under regulations prescribe under paragraph (1) shall be conducted in the same manner a is provided in section 1862(b)(5) of the Social Security Act (4 U.S.C. 1395y(b)(5)). The Secretary may provide for obtaining fror the Commissioner of Social Security employment information comparable to the information provided to the Administrator of th Health Care Financing Administration pursuant to such sectior Such regulations may require the mandatory disclosure of Socia Security account numbers for all covered beneficiaries.

"(3) The Secretary may disclose relevant employment information collected under this subsection to fiscal intermediaries or othe designated contractors.

"(4) The Secretary may provide for contacting employers c covered beneficiaries to obtain group health plan information comparable to the information authorized to be obtained under sectio 1862(b)(5)(C) of the Social Security Act (42 U.S.C. 1395y(b)(5)(C) Notwithstanding clause (iii) of such section, clause (ii) of suc section regarding the imposition of civil money penalties shall appl to the collection of information under this paragraph.

"(5) Information obtained under this subsection may not b disclosed for any purpose other than to carry out the purpos of this section and sections 1079(j)(1) and 1086(d) of this title.'

### SEC. 735. REDESIGNATION OF MILITARY HEALTH CARE ACCOUNT A DEFENSE HEALTH PROGRAM ACCOUNT AND TWO-YEA AVAILABILITY OF CERTAIN ACCOUNT FUNDS.

(a) REDESIGNATION.—Section 1100 of title 10, United State Code, is amended—

(1) in subsection (a)(1)—

(A) by striking out "Military Health Care Account and inserting in lieu thereof "Defense Health Progran Account"; and

(B) by striking out "the Civilian Health and Medica Program of the Uniformed Services" and inserting in lie thereof "medical and health care programs of the Department of Defense"; and

(2) in subsection (b)—

(A) by striking out "entering into a contract" and inserting in lieu thereof "conducting programs and activitie under this chapter, including contracts entered into"; an

(B) by inserting a comma after "title".

(b) TWO YEAR AVAILABILITY OF CERTAIN APPROPRIATIONS.— Subsection (a)(2) of such section is amended to read as follows

"(2) Of the total amount appropriated for a fiscal year fo programs and activities carried out under this chapter, the amoun equal to three percent of such total amount shall remain availabl for obligation until the end of the following fiscal year.".

(c) CONFORMING AMENDMENTS.—Such section is furthe amended—

(1) by striking out subsections (c), (d), and (f); and

(2) by redesignating subsection (e) as subsection (c).

(d) CLERICAL AMENDMENTS.—(1) The heading of such sectior is amended to read as follows:

**“§ 1100. Defense Health Program Account”.**

(2) The item relating to such section in the table of sections at the beginning of chapter 55 of such title is amended to read as follows:

1100. Defense Health Program Account.”.

### SEC. 736. EXPANSION OF FINANCIAL ASSISTANCE PROGRAM FOR HEALTH-CARE PROFESSIONALS IN RESERVE COMPONENTS TO INCLUDE DENTAL SPECIALTIES.

Section 16201(b) of title 10, United States Code, is amended—

(1) in the subsection heading, by inserting “AND DENTISTS” after “PHYSICIANS”;

(2) in paragraph (1)(A), by inserting “or dental school” after “medical school”;

(3) in paragraphs (1)(B) and (2)(B), by inserting “or dental officer” after “medical officer”; and

(4) in paragraph (1)(C), by striking out “physicians in a medical specialty” and inserting in lieu thereof “physicians or dentists in a medical or dental specialty”.

### SEC. 737. APPLICABILITY OF LIMITATION ON PRICES OF PHARMACEUTICALS PROCURED FOR COAST GUARD.

(a) INCLUSION OF COAST GUARD.—Section 8126(b) of title 38, United States Code, is amended by adding at the end the following new paragraph:

“(4) The Coast Guard.”.

(b) EFFECTIVE DATE; APPLICATION OF AMENDMENT.—The amendment made by subsection (a) shall take effect as if included in the enactment of section 603 of the Veterans Health Care Act of 1992 (Public Law 102–585; 106 Stat. 4971).

38 USC 8126 note.

### SEC. 738. RESTRICTION ON USE OF DEPARTMENT OF DEFENSE FACILITIES FOR ABORTIONS.

(a) IN GENERAL.—Section 1093 of title 10, United States Code, is amended—

(1) by inserting “(a) RESTRICTION ON USE OF FUNDS.—” before “Funds available”; and

(2) by adding at the end the following:

“(b) RESTRICTION ON USE OF FACILITIES.—No medical treatment facility or other facility of the Department of Defense may be used to perform an abortion except where the life of the mother would be endangered if the fetus were carried to term or in a case in which the pregnancy is the result of an act of rape or incest.”.

(b) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

**“§ 1093. Performance of abortions: restrictions”.**

(2) The item relating to such section in the table of sections at the beginning of chapter 55 of such title is amended to read as follows:

1093. Performance of abortions: restrictions.”.

## Subtitle E—Other Matters

### SEC. 741. TRISERVICE NURSING RESEARCH.

(a) PROGRAM AUTHORIZED.—Chapter 104 of title 10, Unite States Code, is amended by adding at the end the following ne section:

### “§ 2116. Military nursing research

“(a) DEFINITIONS.—In this section:

“(1) The term ‘military nursing research’ means researc on the furnishing of care and services by nurses in the arme forces.

“(2) The term ‘TriService Nursing Research Program means the program of military nursing research authorize under this section.

“(b) PROGRAM AUTHORIZED.—The Secretary of Defense ma establish at the University a program of military nursing research

“(c) TRISERVICE RESEARCH GROUP.—The TriService Nursin Research Program shall be administered by a TriService Nursin Research Group composed of Army, Navy, and Air Force nurse who are involved in military nursing research and are designate by the Secretary concerned to serve as members of the group

“(d) DUTIES OF GROUP.—The TriService Nursing Researc Group shall—

“(1) develop for the Department of Defense recommende guidelines for requesting, reviewing, and funding proposed mili tary nursing research projects; and

“(2) make available to Army, Navy, and Air Force nurse and Department of Defense officials concerned with militar nursing research—

“(A) information about nursing research projects tha are being developed or carried out in the Army, Nav and Air Force; and

“(B) expertise and information beneficial to th encouragement of meaningful nursing research.

“(e) RESEARCH TOPICS.—For purposes of this section, militar nursing research includes research on the following issues:

“(1) Issues regarding how to improve the results of nursin care and services provided in the armed forces in time peace.

“(2) Issues regarding how to improve the results of nursin care and services provided in the armed forces in time war.

“(3) Issues regarding how to prevent complications assoc ated with battle injuries.

“(4) Issues regarding how to prevent complications assoc ated with the transporting of patients in the military medica evacuation system.

“(5) Issues regarding how to improve methods of trainin nursing personnel.

“(6) Clinical nursing issues, including such issues a prevention and treatment of child abuse and spouse abus

“(7) Women’s health issues.

“(8) Wellness issues.

“(9) Preventive medicine issues.

“(10) Home care management issues.

"(11) Case management issues.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 104 of such title is amended by adding at the end the following:

"2116. Military nursing research.".

## SEC. 742. TERMINATION OF PROGRAM TO TRAIN MILITARY PSYCHOLOGISTS TO PRESCRIBE PSYCHOTROPIC MEDICATIONS.

(a) TERMINATION.—Not later than June 30, 1997, the Secretary of Defense shall terminate the demonstration pilot program for training military psychologists in the prescription of psychotropic medications, which is referred to in section 8097 of the Department of Defense Appropriations Act, 1991 (Public Law 101–511; 104 Stat. 1897).

(b) PROHIBITION ON ADDITIONAL ENROLLEES PENDING TERMINATION.—After the date of the enactment of this Act, the Secretary of Defense may not enroll any new participants for the demonstration pilot program described in subsection (a).

(c) EFFECT ON CURRENT PARTICIPANTS.—The requirement to terminate the demonstration pilot program described in subsection (a) shall not be construed to affect the training or utilization of military psychologists in the prescription of psychotropic medications who are participating in the demonstration pilot program on the date of the enactment of this Act or who have completed such training before that date.

Reports.

(d) EVALUATION.—As soon as possible after the date of the enactment of this Act, but not later than April 1, 1997, the Comptroller General of the United States shall submit to Congress a report evaluating the success of the demonstration pilot program described in subsection (a). The report shall include—

(1) a cost-benefit analysis of the program;

(2) a discussion of the utilization requirements under the program; and

(3) recommendations regarding—

(A) whether the program should be extended so as to continue to provide training to military psychologists in the prescription of psychotropic medications; and

(B) any modifications that should be made in the manner in which military psychologists are trained and used to prescribe psychotropic medications so as to improve the training provided under the program, if the program is extended.

10 USC 1086 note.

## SEC. 743. WAIVER OF COLLECTION OF PAYMENTS DUE FROM CERTAIN PERSONS UNAWARE OF LOSS OF CHAMPUS ELIGIBILITY.

(a) AUTHORITY TO WAIVE COLLECTION.—The administering Secretaries may waive the collection of payments otherwise due from a person described in subsection (b) as a result of the receipt by the person of health benefits under section 1086 of title 10, United States Code, after the termination of the person's eligibility for such benefits.

(b) PERSONS ELIGIBLE FOR WAIVER.—A person shall be eligible for relief under subsection (a) if the person—

(1) is a person described in paragraph (1) of subsection (d) of section 1086 of title 10, United States Code;

(2) in the absence of such paragraph, would have been eligible for health benefits under such section; and

(3) at the time of the receipt of such benefits, satisfied the criteria specified in subparagraphs (A) and (B) of paragraph (2) of such subsection.

(c) EXTENT OF WAIVER AUTHORITY.—The authority to waive the collection of payments pursuant to this section shall apply with regard to health benefits provided under section 1086 of title 10, United States Code, to persons described in subsection (b) during the period beginning on January 1, 1967, and ending on the later of—

(1) the termination date of any special enrollment period provided under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) specifically for such persons; and

(2) July 1, 1996.

(d) DEFINITIONS.—For purposes of this section, the term “administering Secretaries” has the meaning given such term in section 1072(3) of title 10, United States Code.

10 USC 1092 note.

### SEC. 744. DEMONSTRATION PROGRAM TO TRAIN MILITARY MEDICAL PERSONNEL IN CIVILIAN SHOCK TRAUMA UNITS.

(a) DEMONSTRATION PROGRAM.—(1) Not later than April 1, 1996, the Secretary of Defense shall implement a demonstration program to evaluate the feasibility of providing shock trauma training for military medical personnel through one or more public or nonprofit hospitals. The Secretary shall carry out the program pursuant to an agreement with such hospitals.

(2) Under the agreement with a hospital, the Secretary shall assign military medical personnel participating in the demonstration program to temporary duty in shock trauma units operated by the hospitals that are parties to the agreement.

(3) The agreement shall require, as consideration for the services provided by military medical personnel under the agreement, that the hospital provide appropriate care to members of the Armed Forces and to other persons whose care in the hospital would otherwise require reimbursement by the Secretary. The value of the services provided by the hospitals shall be at least equal to the value of the services provided by military medical personnel under the agreement.

(b) TERMINATION OF PROGRAM.—The authority of the Secretary of Defense to conduct the demonstration program under this section, and any agreement entered into under the demonstration program, shall expire on March 31, 1998.

(c) REPORT AND EVALUATION OF PROGRAM.—(1) Not later than March 1 of each year in which the demonstration program is conducted under this section, the Secretary of Defense shall submit to Congress a report describing the scope and activities of the demonstration program during the preceding year.

(2) Not later than May 1, 1998, the Comptroller General of the United States shall submit to Congress a report evaluating the effectiveness of the demonstration program in providing shock trauma training for military medical personnel.

### SEC. 745. STUDY REGARDING DEPARTMENT OF DEFENSE EFFORTS TO DETERMINE APPROPRIATE FORCE LEVELS OF WARTIME MEDICAL PERSONNEL.

(a) STUDY REQUIRED.—The Comptroller General of the United States shall conduct a study to evaluate the reasonableness of he models used by each military department for determining the ppropriate wartime force level for medical personnel in the department. The study shall include the following:

(1) An assessment of the modeling techniques used by each department.

(2) An analysis of the data used in the models to identify medical personnel requirements.

(3) An identification of the ability of the models to integrate personnel of reserve components to meet department requirements.

(4) An evaluation of the ability of the Secretary of Defense to integrate the various modeling efforts into a comprehensive, coordinated plan for obtaining the optimum force level for wartime medical personnel.

(b) REPORT OF STUDY.—Not later than June 30, 1996, the Comptroller General shall report to Congress on the results of he study conducted under subsection (a).

### EC. 746. REPORT ON IMPROVED ACCESS TO MILITARY HEALTH CARE FOR COVERED BENEFICIARIES ENTITLED TO MEDICARE.

Not later than March 1, 1996, the Secretary of Defense shall ubmit to Congress a report evaluating the feasibility, costs, and onsequences for the military health care system of improving access o the system for covered beneficiaries under chapter 55 of title 0, United States Code, who have limited access to military medical reatment facilities and are ineligible for the Civilian Health and Medical Program of the Uniformed Services under section 1086(d)(1) f such title. The alternatives that the Secretary shall consider o improve access for such covered beneficiaries shall include—

(1) whether CHAMPUS should serve as a second payer for covered beneficiaries who are entitled to hospital insurance benefits under part A of title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.); and

(2) whether such covered beneficiaries should be offered enrollment in the Federal Employees Health Benefits program under chapter 89 of title 5, United States Code.

### EC. 747. REPORT ON EFFECT OF CLOSURE OF FITZSIMONS ARMY MEDICAL CENTER, COLORADO, ON PROVISION OF CARE TO MILITARY PERSONNEL, RETIRED MILITARY PERSONNEL, AND THEIR DEPENDENTS.

(a) EFFECT OF CLOSURE ON MEMBERS EXPERIENCING HEALTH DIFFICULTIES ASSOCIATED WITH PERSIAN GULF SYNDROME.—Not ater than 90 days after the date of the enactment of this Act, he Secretary of Defense shall submit to Congress a report that—

(1) assesses the effects of the closure of Fitzsimons Army Medical Center, Colorado, on the capability of the Department of Defense to provide appropriate and adequate health care to members and former members of the Armed Forces who suffer from undiagnosed illnesses (or combination of illnesses) as a result of service in the Armed Forces in the Southwest Asia theater of operations during the Persian Gulf conflict; and

(2) describes the plans of the Secretary of Defense and the Secretary of the Army to ensure that adequate and appropriate health care is provided to such members for such illnesses (or combination of illnesses).

(b) Effect of Closure on Other Covered Beneficiaries.- The report required by subsection (a) shall also include—

(1) an assessment of the effects of the closure of Fitzsimor Army Medical Center on the capability of the Departmer of Defense to provide appropriate and adequate health car to the dependents of members and former members of tl Armed Forces and retired members and their dependents wl currently obtain care at the medical center; and

(2) a description of the plans of the Secretary of Defens and the Secretary of the Army to ensure that adequate an appropriate health care is provided to such persons, as calle for in the recommendations of the Secretary of Defense fc the closure of Fitzsimons Army Medical Center.

### SEC. 748. SENSE OF CONGRESS ON CONTINUITY OF HEALTH CAR SERVICES FOR COVERED BENEFICIARIES ADVERSEL AFFECTED BY CLOSURES OF MILITARY MEDICAL TREA MENT FACILITIES.

(a) Findings.—Congress finds the following:

(1) Military installations selected for closure in the 199 and 1993 rounds of the base closure process will soon clos

(2) Additional military installations have been selected fc closure in the 1995 round of the base closure process.

(3) Some of the military installations selected for closur include military medical treatment facilities.

(4) As a result of these base closures, tens of thousand of covered beneficiaries under chapter 55 of title 10, Unite States Code, who reside in the vicinity of such installation will be left without immediate access to military medical treatment facilities.

(b) Sense of Congress.—In light of the findings specifie in subsection (a), it is the sense of Congress that the Secretar of Defense should take all appropriate steps necessary to ensur the continuation of medical and pharmaceutical benefits for covere beneficiaries adversely affected by the closure of militar installations.

### SEC. 749. STATE RECOGNITION OF MILITARY ADVANCE MEDICA DIRECTIVES.

(a) Requirement for Recognition by States.—(1) Chapte 53 of title 10, United States Code, is amended by inserting afte section 1044b the following new section:

### "§ 1044c. Advance medical directives of members an dependents: requirement for recognition b States

"(a) Instruments To Be Given Legal Effect Withou Regard to State Law.—An advance medical directive execute by a person eligible for legal assistance—

"(1) is exempt from any requirement of form, substance formality, or recording that is provided for advance medica directives under the laws of a State; and

"(2) shall be given the same legal effect as an advanc medical directive prepared and executed in accordance wit the laws of the State concerned.

"(b) Advance Medical Directives.—For purposes of this section, an advance medical directive is any written declaration that—

"(1) sets forth directions regarding the provision, withdrawal, or withholding of life-prolonging procedures, including hydration and sustenance, for the declarant whenever the declarant has a terminal physical condition or is in a persistent vegetative state; or

"(2) authorizes another person to make health care decisions for the declarant, under circumstances stated in the declaration, whenever the declarant is incapable of making informed health care decisions.

Regulations.

"(c) STATEMENT TO BE INCLUDED.—(1) Under regulations precribed by the Secretary concerned, an advance medical directive repared by an attorney authorized to provide legal assistance hall contain a statement that sets forth the provisions of subsection a).

"(2) Paragraph (1) shall not be construed to make inapplicable he provisions of subsection (a) to an advance medical directive hat does not include a statement described in that paragraph.

"(d) STATES NOT RECOGNIZING ADVANCE MEDICAL DIRECTIVES.—Subsection (a) does not make an advance medical directive nforceable in a State that does not otherwise recognize and enforce advance medical directives under the laws of the State.

"(e) DEFINITIONS.—In this section:

"(1) The term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, and a possession of the United States.

"(2) The term 'person eligible for legal assistance' means a person who is eligible for legal assistance under section 1044 of this title.

"(3) The term 'legal assistance' means legal services authorized under section 1044 of this title.".

(2) The table of sections at the beginning of such chapter s amended by inserting after the item relating to section 1044b he following:

1044c. Advance medical directives of members and dependents: requirement for recognition by States.".

10 USC 1044c note.

(b) EFFECTIVE DATE.—Section 1044c of title 10, United States Code, shall take effect on the date of the enactment of this Act and shall apply to advance medical directives referred to in that section that are executed before, on, or after that date.

# TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

## Subtitle A—Acquisition Reform

### SEC. 801. INAPPLICABILITY OF LIMITATION ON EXPENDITURE OF APPROPRIATIONS TO CONTRACTS AT OR BELOW SIMPLIFIED ACQUISITION THRESHOLD.

Section 2207 of title 10, United States Code, is amended—

(1) by inserting "(a)" before "Money appropriated"; and

(2) by adding at the end the following new subsection:

"(b) This section does not apply to a contract that is for an amount not greater than the simplified acquisition threshold (as defined in section 4(11) of the Office of Federal Procurement Polic Act (41 U.S.C. 403(11)))."."

### SEC. 802. AUTHORITY TO DELEGATE CONTRACTING AUTHORITY.

(a) Repeal of Duplicative Authority and Restriction.–Section 2356 of title 10, United States Code, is repealed.

(b) Clerical Amendment.—The table of sections at the beginning of chapter 139 of title 10, United States Code, is amende by striking out the item relating to section 2356.

### SEC. 803. CONTROL IN PROCUREMENTS OF CRITICAL AIRCRAFT AN SHIP SPARE PARTS.

(a) Repeal.—Section 2383 of title 10, United States Code, i repealed.

(b) Clerical Amendment.—The table of sections at the beginning of chapter 141 of such title is amended by striking out th item relating to section 2383.

### SEC. 804. FEES FOR CERTAIN TESTING SERVICES.

Section 2539b(c) of title 10, United States Code, is amende by inserting "and indirect" after "recoup the direct" in the secon sentence.

### SEC. 805. COORDINATION AND COMMUNICATION OF DEFENS RESEARCH ACTIVITIES.

Section 2364 of title 10, United States Code, is amended–

(1) in subsection (b)(5), by striking out "milestone O, milestone I, and milestone II" and inserting in lieu thereof "acquisition program"; and

(2) in subsection (c), by striking out paragraphs (2), (3 and (4) and inserting in lieu thereof the following:

"(2) The term 'acquisition program decision' has the meaning prescribed by the Secretary of Defense in regulations.'

### SEC. 806. ADDITION OF CERTAIN ITEMS TO DOMESTIC SOURC LIMITATION.

(a) Limitation.—(1) Paragraph (3) of section 2534(a) of titl 10, United States Code, is amended to read as follows:

"(3) Components for naval vessels.—(A) The followin components:

"(i) Air circuit breakers.

"(ii) Welded shipboard anchor and mooring chain wit a diameter of four inches or less.

"(iii) Vessel propellers with a diameter of six feet o more.

"(B) The following components of vessels, to the exten they are unique to marine applications: gyrocompasses, electronic navigation chart systems, steering controls, pumps propulsion and machinery control systems, and totally enclose lifeboats.".

(2) Subsection (b) of section 2534 of such title is amende by adding at the end the following:

"(3) Manufacturer of vessel propellers.—In the cas of a procurement of vessel propellers referred to in subsectio (a)(3)(A)(ii), the manufacturer of the propellers meets th requirements of this subsection only if—

"(A) the manufacturer meets the requirements set fort in paragraph (1); and

"(B) all castings incorporated into such propellers are poured and finished in the United States.".

(3) Paragraph (1) of section 2534(c) of such title is amended to read as follows:

"(1) COMPONENTS FOR NAVAL VESSELS.—Subsection (a) does not apply to a procurement of spare or repair parts needed to support components for naval vessels produced or manufactured outside the United States.".

(4) Section 2534 of such title is amended by adding at the end the following new subsection:

"(h) IMPLEMENTATION OF NAVAL VESSEL COMPONENT LIMITATION.—In implementing subsection (a)(3)(B), the Secretary of Defense—

"(1) may not use contract clauses or certifications; and

"(2) shall use management and oversight techniques that achieve the objective of the subsection without imposing a significant management burden on the Government or the contractor involved.".

(5) Subsection (a)(3)(B) of section 2534 of title 10, United States Code, as amended by paragraph (1), shall apply only to contracts entered into after March 31, 1996.

(b) EXTENSION OF LIMITATION RELATING TO BALL BEARINGS AND ROLLER BEARINGS.—Section 2534(c)(3) of such title is amended by striking out "October 1, 1995" and inserting in lieu thereof "October 1, 2000".

(c) TERMINATION OF VESSEL PROPELLER LIMITATION.—Section 2534(c) of such title is amended by adding at the end the following new paragraph:

Termination date.

"(4) VESSEL PROPELLERS.—Subsection (a)(3)(A)(iii) and this paragraph shall cease to be effective on the date occurring two years after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1996.".

(d) INAPPLICABILITY OF SIMPLIFIED ACQUISITION LIMITATION TO CONTRACTS FOR BALL BEARINGS AND ROLLER BEARINGS.—Section 2534(g) of title 10, United States Code, is amended—

(1) by inserting "(1)" before "This section"; and

(2) by adding at the end the following new paragraph:

"(2) Paragraph (1) does not apply to contracts for items described in subsection (a)(5) (relating to ball bearings and roller bearings), notwithstanding section 33 of the Office of Federal Procurement Policy Act (41 U.S.C. 429).".

### SEC. 807. ENCOURAGEMENT OF USE OF LEASING AUTHORITY.

(a) IN GENERAL.—(1) Section 2401a of title 10, United States Code, is amended—

(A) by inserting before "The Secretary of Defense" the following subsection heading: "(b) LIMITATION ON CONTRACTS WITH TERMS OF 18 MONTHS OR MORE.—";

(B) by inserting after the section heading the following:

"(a) LEASING OF COMMERCIAL VEHICLES AND EQUIPMENT.—The Secretary of Defense may use leasing in the acquisition of commercial vehicles and equipment whenever the Secretary determines that leasing of such vehicles is practicable and efficient."; and

(C) by amending the section heading to read as follows:

**"§ 2401a. Lease of vehicles, equipment, vessels, and aircraft"**

(2) The item relating to section 2401a in the table of sections at the beginning of chapter 141 of such title is amended to read as follows:

"2401a. Lease of vehicles, equipment, vessels, and aircraft.".

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report setting forth changes in legislation that would be required to facilitate the use of leasing in the acquisition of equipment by the Department of Defense.

10 USC 2401a note.

(c) PILOT PROGRAM.—(1) The Secretary of the Army may conduct a pilot program for leasing commercial utility cargo vehicles in accordance with this subsection.

(2) Under the pilot program—

(A) the Secretary may trade existing commercial utility cargo vehicles of the Army for credit against the costs of leasing new replacement commercial utility cargo vehicles for the Army

(B) the quantities and trade-in value of commercial utility cargo vehicles to be traded in shall be subject to negotiation between the Secretary and the lessors of the new replacement commercial utility cargo vehicles;

(C) the lease agreement for a new commercial utility cargo vehicle may be executed with or without an option to purchase at the end of the lease period;

(D) the lease period for a new commercial utility cargo vehicle may not exceed the warranty period for the vehicle and

(E) up to 40 percent of the validated requirement for commercial utility cargo vehicles may be satisfied by leasing such vehicles, except that one or more options for satisfying the remainder of the validated requirement may be provided for and exercised (subject to the requirements of paragraph (6)).

(3) In awarding contracts under the pilot program, the Secretary shall comply with section 2304 of title 10, United States Code.

(4) The pilot program may not be commenced until—

Reports.

(A) the Secretary submits to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report that contains the plans of the Secretary for implementing the program and that sets forth in detail the savings in operating and support costs expected to be derived from retiring older commercial utility cargo vehicles, as compared to the expected costs of leasing newer commercial utility cargo vehicles; and

(B) a period of 30 calendar days has elapsed after submission of such report.

Reports.

(5) Not later than one year after the date on which the first lease under the pilot program is entered into, the Secretary of the Army shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the status of the pilot program Such report shall be based on at least six months of experience in operating the pilot program.

(6) The Secretary may exercise an option provided for under paragraph (2) only after a period of 60 days has elapsed after the submission of the report.

(7) No lease of commercial utility cargo vehicles may be entered into under the pilot program after September 30, 2000.

## SEC. 808. COST REIMBURSEMENT RULES FOR INDIRECT COSTS ATTRIBUTABLE TO PRIVATE SECTOR WORK OF DEFENSE CONTRACTORS.

10 USC 2501 note.

(a) DEFENSE CAPABILITY PRESERVATION AGREEMENT.—The Secretary of Defense may enter into an agreement, to be known as a "defense capability preservation agreement", with a defense contractor under which the cost reimbursement rules described in subsection (b) shall be applied. Such an agreement may be entered into in any case in which the Secretary determines that the application of such cost reimbursement rules would facilitate the achievement of the policy objectives set forth in section 2501(b) of title 10, United States Code.

(b) COST REIMBURSEMENT RULES.—(1) The cost reimbursement rules applicable under an agreement entered into under subsection (a) are as follows:

(A) The Department of Defense shall, in determining the reimbursement due a contractor for its indirect costs of performing a defense contract, allow the contractor to allocate indirect costs to its private sector work only to the extent of the contractor's allocable indirect private sector costs, subject to subparagraph (C).

(B) For purposes of subparagraph (A), the allocable indirect private sector costs of a contractor are those costs of the contractor that are equal to the sum of—

(i) the incremental indirect costs attributable to such work; and

(ii) the amount by which the revenue attributable to such private sector work exceeds the sum of—

(I) the direct costs attributable to such private sector work; and

(II) the incremental indirect costs attributable to such private sector work.

(C) The total amount of allocable indirect private sector costs for a contract in any year of the agreement may not exceed the amount of indirect costs that a contractor would have allocated to its private sector work during that year in accordance with the contractor's established accounting practices.

(2) The cost reimbursement rules set forth in paragraph (1) may be modified by the Secretary of Defense if the Secretary of Defense determines that modifications are appropriate to the particular situation to facilitate achievement of the policy set forth in section 2501(b) of title 10, United States Code.

(c) IMPLEMENTATION.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall establish application procedures and procedures for expeditious consideration of defense capability preservation agreements as authorized by this section.

(d) CONTRACTS COVERED.—An agreement entered into with a contractor under subsection (a) shall apply to each Department of Defense contract with the contractor in effect on the date on which the agreement is entered into and each Department of Defense contract that is awarded to the contractor during the term of the agreement.

(e) REPORTS.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth—

(1) the number of applications received and the number of applications approved for defense capability preservation agreements; and

(2) any changes to the authority in this section that the Secretary recommends to further facilitate the policy set forth in section 2501(b) of title 10, United States Code.

### SEC. 809. SUBCONTRACTS FOR OCEAN TRANSPORTATION SERVICES

Notwithstanding any other provision of law, neither section 901(b) of the Merchant Marine Act, 1936 (46 U.S.C. 1241(b)) nor section 2631 of title 10, United States Code, shall be included before May 1, 1996, on any list promulgated under section 34(b of the Office of Federal Procurement Policy Act (41 U.S.C. 430(b))

### SEC. 810. PROMPT RESOLUTION OF AUDIT RECOMMENDATIONS.

5 USC app. 5 note.

Section 6009 of the Federal Acquisition Streamlining Act o 1994 (Public Law 103–355; 108 Stat. 3367) is amended to read as follows:

### “SEC. 6009. PROMPT MANAGEMENT DECISIONS AND IMPLEMENTATION OF AUDIT RECOMMENDATIONS.

“(a) MANAGEMENT DECISIONS.—(1) The head of a Federa agency shall make management decisions on all findings and recommendations set forth in an audit report of the inspector genera of the agency within a maximum of six months after the issuance of the report.

“(2) The head of a Federal agency shall make managemen decisions on all findings and recommendations set forth in an audit report of any auditor from outside the Federal Governmen within a maximum of six months after the date on which th head of the agency receives the report.

“(b) COMPLETION OF FINAL ACTION.—The head of a Federa agency shall complete final action on each management decision required with regard to a recommendation in an inspector general's report under subsection (a)(1) within 12 months after the dat of the inspector general's report. If the head of the agency fail to complete final action with regard to a management decision within the 12-month period, the inspector general concerned sha identify the matter in each of the inspector general's semiannua reports pursuant to section 5(a)(3) of the Inspector General Ac of 1978 (5 U.S.C. App.) until final action on the managemen decision is completed.”.

### SEC. 811. TEST PROGRAM FOR NEGOTIATION OF COMPREHENSIV SUBCONTRACTING PLANS.

(a) REVISION OF AUTHORITY.—Subsection (a) of section 834 o National Defense Authorization Act for Fiscal Years 1990 and 199 (15 U.S.C. 637 note) is amended by striking out paragraph ( and inserting in lieu thereof the following:

Establishment.

“(1) The Secretary of Defense shall establish a test program under which contracting activities in the military departments an the Defense Agencies are authorized to undertake one or mor demonstration projects to determine whether the negotiation and administration of comprehensive subcontracting plans will reduce administrative burdens on contractors while enhancing opportunities provided under Department of Defense contracts for small business concerns and small business concerns owned and controlled by socially and economically disadvantaged individuals. In selecting the contracting activities to undertake demonstration projects, the Secretary shall take such action as is necessary to ensure that a broad range of the supplies and services acquired by the Department of Defense are included in the test program.".

(b) COVERED CONTRACTORS.—Subsection (b) of such section is amended by striking out paragraph (3) and inserting in lieu thereof the following:

"(3) A Department of Defense contractor referred to in paragraph (1) is, with respect to a comprehensive subcontracting plan negotiated in any fiscal year, a business concern that, during the immediately preceding fiscal year, furnished the Department of Defense with supplies or services (including professional services, research and development services, and construction services) pursuant to at least three Department of Defense contracts having an aggregate value of at least $5,000,000.".

(c) TECHNICAL AMENDMENTS.—Such section is amended—

(1) by striking out subsection (g); and

(2) by redesignating subsection (h) as subsection (g).

### SEC. 812. PROCUREMENT OF ITEMS FOR EXPERIMENTAL OR TEST PURPOSES.

Section 2373(b) of title 10, United States Code, is amended by inserting "only" after "applies" in the second sentence.

### SEC. 813. USE OF FUNDS FOR ACQUISITION OF DESIGNS, PROCESSES, TECHNICAL DATA, AND COMPUTER SOFTWARE.

Section 2386(3) of title 10, United States Code, is amended to read as follows:

"(3) Design and process data, technical data, and computer software.".

### SEC. 814. INDEPENDENT COST ESTIMATES FOR MAJOR DEFENSE ACQUISITION PROGRAMS.

Section 2434(b)(1)(A) of title 10, United States Code, is amended to read as follows:

"(A) be prepared—

"(i) by an office or other entity that is not under the supervision, direction, or control of the military department, Defense Agency, or other component of the Department of Defense that is directly responsible for carrying out the development or acquisition of the program; or

"(ii) if the decision authority for the program has been delegated to an official of a military department, Defense Agency, or other component of the Department of Defense, by an office or other entity that is not directly responsible for carrying out the development or acquisition of the program; and".

### SEC. 815. CONSTRUCTION, REPAIR, ALTERATION, FURNISHING, AND EQUIPPING OF NAVAL VESSELS.

(a) APPLICABILITY OF CERTAIN LAW.—Chapter 633 of title 10, United States Code, is amended by inserting after section 7297 the following:

**“§ 7299. Contracts: applicability of Walsh-Healey Act**

“Each contract for the construction, alteration, furnishing, or equipping of a naval vessel is subject to the Walsh-Healey Act (41 U.S.C. 35 et seq.) unless the President determines that this requirement is not in the interest of national defense.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7297 the following:

“7299. Contracts: applicability of Walsh-Healey Act.”.

## Subtitle B—Other Matters

### SEC. 821. PROCUREMENT TECHNICAL ASSISTANCE PROGRAMS.

(a) FUNDING.—Of the amount authorized to be appropriated under section 301(5), $12,000,000 shall be available for carrying out the provisions of chapter 142 of title 10, United States Code.

(b) SPECIFIC PROGRAMS.—Of the amounts made available pursuant to subsection (a), $600,000 shall be available for fiscal year 1996 for the purpose of carrying out programs sponsored by eligible entities referred to in subparagraph (D) of section 2411(1) of title 10, United States Code, that provide procurement technical assistance in distressed areas referred to in subparagraph (B) of section 2411(2) of such title. If there is an insufficient number of satisfactory proposals for cooperative agreements in such distressed areas to allow effective use of the funds made available in accordance with this subsection in such areas, the funds shall be allocated among the Defense Contract Administration Services regions in accordance with section 2415 of such title.

10 USC 2302 note.

### SEC. 822. DEFENSE FACILITY-WIDE PILOT PROGRAM.

(a) AUTHORITY TO CONDUCT DEFENSE FACILITY-WIDE PILOT PROGRAM.—The Secretary of Defense may conduct a pilot program, to be known as the “defense facility-wide pilot program”, for the purpose of determining the potential for increasing the efficiency and effectiveness of the acquisition process in facilities by using commercial practices on a facility-wide basis.

(b) DESIGNATION OF PARTICIPATING FACILITIES.—(1) Subject to paragraph (2), the Secretary may designate up to two facilities as participants in the defense facility-wide pilot program.

(2) The Secretary may designate for participation in the pilot program only those facilities that are authorized to be so designated in a law authorizing appropriations for national defense programs that is enacted after the date of the enactment of this Act.

(c) SCOPE OF PROGRAM.—At a facility designated as a participant in the pilot program, the pilot program shall consist of the following:

(1) All contracts and subcontracts for defense supplies and services that are performed at the facility.

(2) All Department of Defense contracts and all subcontracts under Department of Defense contracts performed

elsewhere that the Secretary determines are directly and substantially related to the production of defense supplies and services at the facility and are necessary for the pilot program.

(d) CRITERIA FOR DESIGNATION OF PARTICIPATING FACILITIES.—The Secretary shall establish criteria for selecting a facility for designation as a participant in the pilot program. In developing such criteria, the Secretary shall consider the following:

(1) The number of existing and anticipated contracts and subcontracts performed at the facility—

(A) for which contractors are required to provide certified cost or pricing data pursuant to section 2306a of title 10, United States Code; and

(B) which are administered with the application of cost accounting standards under section 26(f) of the Office of Federal Procurement Policy Act (41 U.S.C. 422(f)).

(2) The relationship of the facility to other organizations and facilities performing under contracts with the Department of Defense and subcontracts under such contracts.

(3) The impact that the participation of the facility under the pilot program would have on competing domestic manufacturers.

(4) Such other factors as the Secretary considers appropriate.

(e) NOTIFICATION.—(1) The Secretary shall transmit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a written notification of each facility proposed to be designated by the Secretary for participation in the pilot program.

(2) The Secretary shall include in the notification regarding a facility designated for participation in the program a management plan addressing the following:

(A) The proposed treatment of research and development contracts or subcontracts to be performed at the facility during the pilot program.

(B) The proposed treatment of the cost impact of the use of commercial practices on the award and administration of contracts and subcontracts performed at the facility.

(C) The proposed method for reimbursing the contractor for existing and new contracts.

(D) The proposed method for measuring the performance of the facility for meeting the management goals of the Secretary.

(E) Estimates of the annual amount and the total amount of the contracts and subcontracts covered under the pilot program.

(3)(A) The Secretary shall ensure that the management plan for a facility provides for attainment of the following objectives:

(i) A significant reduction of the cost to the Government for programs carried out at the facility.

(ii) A reduction of the schedule associated with programs carried out at the facility.

(iii) An increased use of commercial practices and procedures for programs carried out at the facility.

(iv) Protection of a domestic manufacturer competing for contracts at such facility from being placed at a significant competitive disadvantage by the participation of the facility in the pilot program.

(B) The management plan for a facility shall also require that all or substantially all of the contracts to be awarded and performed at the facility after the designation of that facility under subsection (b), and all or substantially all of the subcontracts to be awarded under those contracts and performed at the facility after the designation, be—

(i) for the production of supplies or services on a firm-fixed price basis;

(ii) awarded without requiring the contractors or subcontractors to provide certified cost or pricing data pursuant to section 2306a of title 10, United States Code; and

(iii) awarded and administered without the application of cost accounting standards under section 26(f) of the Office of Federal Procurement Policy Act (41 U.S.C. 422(f)).

(f) EXEMPTION FROM CERTAIN REQUIREMENTS.—In the case of a contract or subcontract that is to be performed at a facility designated for participation in the defense facility-wide pilot program and that is subject to section 2306a of title 10, United States Code, or section 26(f) of the Office of Federal Procurement Policy Act (41 U.S.C. 422(f)), the Secretary of Defense may exempt such contract or subcontract from the requirement to obtain certified cost or pricing data under such section 2306a or the requirement to apply mandatory cost accounting standards under such section 26(f) if the Secretary determines that the contract or subcontract—

(1) is within the scope of the pilot program (as described in subsection (c)); and

(2) is fairly and reasonably priced based on information other than certified cost and pricing data.

(g) SPECIAL AUTHORITY.—The authority provided under subsection (a) includes authority for the Secretary of Defense—

(1) to apply any amendment or repeal of a provision of law made in this Act to the pilot program before the effective date of such amendment or repeal; and

(2) to apply to a procurement of items other than commercial items under such program—

(A) the authority provided in section 34 of the Office of Federal Procurement Policy Act (41 U.S.C. 430) to waive a provision of law in the case of commercial items, and

(B) any exception applicable under this Act or the Federal Acquisition Streamlining Act of 1994 (Public Law 103–355) (or an amendment made by a provision of either Act) in the case of commercial items,

before the effective date of such provision (or amendment) to the extent that the Secretary determines necessary to test the application of such waiver or exception to procurements of items other than commercial items.

(h) APPLICABILITY.—(1) Subsections (f) and (g) apply to the following contracts, if such contracts are within the scope of the pilot program at a facility designated for the pilot program under subsection (b):

(A) A contract that is awarded or modified during the period described in paragraph (2).

(B) A contract that is awarded before the beginning of such period, that is to be performed (or may be performed) in whole or in part, during such period, and that may be modified as appropriate at no cost to the Government.

(2) The period referred to in paragraph (1), with respect to a facility designated under subsection (b), is the period that—

(A) begins 45 days after the date of the enactment of the Act authorizing the designation of that facility in accordance with paragraph (2) of such subsection; and

(B) ends on September 30, 2000.

(i) COMMERCIAL PRACTICES ENCOURAGED.—With respect to contracts and subcontracts within the scope of the defense facility-wide pilot program, the Secretary of Defense may, to the extent the Secretary determines appropriate and in accordance with applicable law, adopt commercial practices in the administration of contracts and subcontracts. Such commercial practices may include the following:

(1) Substitution of commercial oversight and inspection procedures for Government audit and access to records.

(2) Incorporation of commercial oversight, inspection, and acceptance procedures.

(3) Use of alternative dispute resolution techniques (including arbitration).

(4) Elimination of contract provisions authorizing the Government to make unilateral changes to contracts.

### SEC. 823. TREATMENT OF DEPARTMENT OF DEFENSE CABLE TELEVISION FRANCHISE AGREEMENTS.

Reports.

Not later than 180 days after the date of the enactment of this Act, the chief judge of the United States Court of Federal Claims shall transmit to Congress a report containing an advisory opinion on the following two questions:

(1) Is it within the power of the executive branch to treat cable television franchise agreements for the construction, installation, or capital improvement of cable television systems at military installations of the Department of Defense as contracts under part 49 of the Federal Acquisition Regulation without violating title VI of the Communications Act of 1934 (47 U.S.C. 521 et seq.)?

(2) If the answer to the question in paragraph (1) is in the affirmative, is the executive branch required by law to so treat such franchise agreements?

### SEC. 824. EXTENSION OF PILOT MENTOR-PROTEGE PROGRAM.

10 USC 2302 note.

Section 831(j)(1) of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2301 note) is amended by striking out “1995” and inserting in lieu thereof “1996”.

# TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

## Subtitle A—General Matters

### SEC. 901. ORGANIZATION OF THE OFFICE OF THE SECRETARY OF DEFENSE.

10 USC 131 note.

(a) FINDINGS.—Congress makes the following findings:

(1) The statutory provisions that as of the date of the enactment of this Act govern the organization of the Office of the Secretary of Defense have evolved from enactment of

a number of executive branch legislative proposals and congressional initiatives over a period of years.

(2) The May 1995 report of the congressionally mandated Commission on Roles and Missions of the Armed Forces included a number of recommendations relating to the Office of the Secretary of Defense.

(3) The Secretary of Defense has decided to create a special Department task force and to conduct other reviews to review many of the Commission's recommendations.

(4) The Secretary of Defense has decided to institute a 5 percent per year reduction of civilian personnel assigned to the Office of the Secretary of Defense, including the Washington Headquarters Service and the Defense Support Activities, for the period from fiscal year 1996 through fiscal year 2001.

(5) Over the ten-year period from 1986 through 1995, defense spending in real dollars has been reduced by 34 percent and military end-strengths have been reduced by 28 percent. During the same period, the number of civilian employees of the Office of the Secretary of Defense has increased by 22 percent.

(6) To achieve greater efficiency and to revalidate the role and mission of the Office of the Secretary of Defense, a comprehensive review of the organizations and functions of that Office and of the personnel needed to carry out those functions is required.

(b) REVIEW.—The Secretary of Defense shall conduct a further review of the organizations and functions of the Office of the Secretary of Defense, including the Washington Headquarters Service and the Defense Support Activities, and the personnel needed to carry out those functions. The review shall include the following:

(1) An assessment of the appropriate functions of the Office and whether the Office of the Secretary of Defense or some of its component parts should be organized along mission lines.

(2) An assessment of the adequacy of the present organizational structure to efficiently and effectively support the Secretary in carrying out his responsibilities in a manner that ensures civilian authority in the Department of Defense.

(3) An assessment of the advantages and disadvantages of the use of political appointees to fill the positions of the various Under Secretaries of Defense, Assistant Secretaries of Defense, and Deputy Under Secretaries of Defense.

(4) An assessment of the extent of unnecessary duplication of functions between the Office of the Secretary of Defense and the Joint Staff.

(5) An assessment of the extent of unnecessary duplication of functions between the Office of the Secretary of Defense and the military departments.

(6) An assessment of the appropriate number of positions referred to in paragraph (3) and of Deputy Assistant Secretaries of Defense.

(7) An assessment of whether some or any of the functions currently performed by the Office of Humanitarian and Refugee Affairs are more properly or effectively performed by another agency of Government or elsewhere within the Department of Defense.

(8) An assessment of the efficacy of the Joint Requirements Oversight Council and whether it is advisable or necessary to establish a statutory charter for this organization.

(9) An assessment of any benefits or efficiencies derived from decentralizing certain functions currently performed by the Office of the Secretary of Defense.

(10) An assessment of the appropriate size, number, and functional responsibilities of the Defense Agencies and other Department of Defense support organizations.

(c) REPORT.—Not later than March 1, 1996, the Secretary of Defense shall submit to the congressional defense committees a report containing —

(1) his findings and conclusions resulting from the review under subsection (b); and

(2) a plan for implementing resulting recommendations, including proposals for legislation (with supporting rationale) that would be required as a result of the review.

Effective date.

(d) PERSONNEL REDUCTION.—(1) Effective October 1, 1999, the number of OSD personnel may not exceed 75 percent of the number of OSD personnel as of October 1, 1994.

(2) For purposes of this subsection, the term "OSD personnel" means military and civilian personnel of the Department of Defense who are assigned to, or employed in, functions in the Office of the Secretary of Defense (including Direct Support Activities of that Office and the Washington Headquarters Services of the Department of Defense).

(3) In carrying out reductions in the number of personnel assigned to, or employed in, the Office of the Department of Defense in order to comply with paragraph (1), the Secretary may not reassign functions solely in order to evade the requirement contained in that paragraph.

(4) If the Secretary of Defense determines, and certifies to Congress, that the limitation in paragraph (1) would adversely affect United States national security, the limitation under paragraph (1) shall be applied by substituting "80 percent" for "75 percent".

### SEC. 902. REDUCTION IN NUMBER OF ASSISTANT SECRETARY OF DEFENSE POSITIONS.

(a) REDUCTION.—Section 138(a) of title 10, United States Code, is amended by striking out "eleven" and inserting in lieu thereof "ten".

(b) CONFORMING AMENDMENT.—Section 5315 of title 5, United States Code, is amended by striking out "(11)" after "Assistant Secretaries of Defense" and inserting in lieu thereof "(10)".

### SEC. 903. DEFERRED REPEAL OF VARIOUS STATUTORY POSITIONS AND OFFICES IN OFFICE OF THE SECRETARY OF DEFENSE.

10 USC 131 note.

(a) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 31, 1997.

(b) TERMINATION OF SPECIFICATION BY LAW OF ASD POSITIONS.—Subsection (b) of section 138 of title 10, United States Code, is amended to read as follows:

"(b) The Assistant Secretaries shall perform such duties and exercise such powers as the Secretary of Defense may prescribe.".

(c) REPEAL OF CERTAIN OSD PRESIDENTIAL APPOINTMENT POSITIONS.—The following sections of chapter 4 of such title are repealed:

(1) Section 133a, relating to the Deputy Under Secretary of Defense for Acquisition and Technology.

(2) Section 134a, relating to the Deputy Under Secretary of Defense for Policy.

(3) Section 137, relating to the Director of Defense Research and Engineering.

(4) Section 142, relating to the Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs.

(d) DIRECTOR OF MILITARY RELOCATION ASSISTANCE PROGRAMS.—Section 1056 of such title is amended by striking out subsection (d).

(e) CONFORMING AMENDMENTS RELATING TO REPEAL OF VARIOUS OSD POSITIONS.—Chapter 4 of such title is further amended—

(1) in section 131(b)—

(A) by striking out paragraphs (6) and (8); and

(B) by redesignating paragraphs (7), (9), (10), and (11), as paragraphs (6), (7), (8), and (9), respectively;

(2) in section 138(d), by striking out "the Under Secretaries of Defense, and the Director of Defense Research and Engineering" and inserting in lieu thereof "and the Under Secretaries of Defense"; and

(3) in the table of sections at the beginning of the chapter, by striking out the items relating to sections 133a, 134a, 137, and 142.

(f) CONFORMING AMENDMENTS RELATING TO REPEAL OF SPECIFICATION OF ASD POSITIONS.—

(1) Section 176(a)(3) of title 10, United States Code, is amended—

(A) by striking out "Assistant Secretary of Defense for Health Affairs" and inserting in lieu thereof "official in the Department of Defense with principal responsibility for health affairs"; and

(B) by striking out "Chief Medical Director of the Department of Veterans Affairs" and inserting in lieu thereof "Under Secretary for Health of the Department of Veterans Affairs".

(2) Section 1216(d) of such title is amended by striking out "Assistant Secretary of Defense for Health Affairs" and inserting in lieu thereof "official in the Department of Defense with principal responsibility for health affairs".

(3) Section 1587(d) of such title is amended by striking out "Assistant Secretary of Defense for Manpower and Logistics" and inserting in lieu thereof "official in the Department of Defense with principal responsibility for personnel and readiness".

(4) The text of section 10201 of such title is amended to read as follows:

"The official in the Department of Defense with responsibility for overall supervision of reserve component affairs of the Department of Defense is the official designated by the Secretary of Defense to have that responsibility.".

(5) Section 1211(b)(2) of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (P.L. 100–180; 101 Stat 1155; 10 U.S.C. 167 note) is amended by striking out "the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict" and inserting in lieu thereof "the official

designated by the Secretary of Defense to have principal responsibility for matters relating to special operations and low intensity conflict".

(g) REPEAL OF MINIMUM NUMBER OF SENIOR STAFF FOR SPECIFIED ASSISTANT SECRETARY OF DEFENSE.—Section 355 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1540) is repealed.

### SEC. 904. REDESIGNATION OF THE POSITION OF ASSISTANT TO THE SECRETARY OF DEFENSE FOR ATOMIC ENERGY.

(a) IN GENERAL.—(1) Section 142 of title 10, United States Code, is amended—

(A) by striking out the section heading and inserting in lieu thereof the following:

**"§ 142. Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs";**

(B) in subsection (a), by striking out "Assistant to the Secretary of Defense for Atomic Energy" and inserting in lieu thereof "Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs"; and

(C) by striking out subsection (b) and inserting in lieu thereof the following:

"(b) The Assistant to the Secretary shall—

"(1) advise the Secretary of Defense on nuclear energy, nuclear weapons, and chemical and biological defense;

"(2) serve as the Staff Director of the Nuclear Weapons Council established by section 179 of this title; and

"(3) perform such additional duties as the Secretary may prescribe.".

(2) The item relating to such section in the table of sections at the beginning of chapter 4 of such title is amended to read as follows:

"142. Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs.".

(b) CONFORMING AMENDMENTS.—(1) Section 179(c)(2) of title 10, United States Code, is amended by striking out "The Assistant to the Secretary of Defense for Atomic Energy" and inserting in lieu thereof "The Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs".

(2) Section 5316 of title 5, United States Code, is amended by striking out "The Assistant to the Secretary of Defense for Atomic Energy, Department of Defense." and inserting in lieu thereof the following:

"Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs, Department of Defense.".

### SEC. 905. JOINT REQUIREMENTS OVERSIGHT COUNCIL.

(a) IN GENERAL.—(1) Chapter 7 of title 10, United States Code, is amended by adding at the end the following new section:

**"§ 181. Joint Requirements Oversight Council**

"(a) ESTABLISHMENT.—The Secretary of Defense shall establish a Joint Requirements Oversight Council in the Department of Defense.

“(b) MISSION.—In addition to other matters assigned to it b the President or Secretary of Defense, the Joint Requirements Oversight Council shall—

“(1) assist the Chairman of the Joint Chiefs of Staff i identifying and assessing the priority of joint military requirements (including existing systems and equipment) to meet th national military strategy;

“(2) assist the Chairman in considering alternatives t any acquisition program that has been identified to meet military requirements by evaluating the cost, schedule, an performance criteria of the program and of the identified alternatives; and

“(3) as part of its mission to assist the Chairman in assigning joint priority among existing and future programs meetin valid requirements, ensure that the assignment of such priorities conforms to and reflects resource levels projected by th Secretary of Defense through defense planning guidance.

“(c) COMPOSITION.—(1) The Joint Requirements Oversigh Council is composed of—

“(A) the Chairman of the Joint Chiefs of Staff, who i the chairman of the Council;

“(B) an Army officer in the grade of general;

“(C) a Navy officer in the grade of admiral;

“(D) an Air Force officer in the grade of general; an

“(E) a Marine Corps officer in the grade of general.

“(2) Members of the Council, other than the Chairman of th Joint Chiefs of Staff, shall be selected by the Chairman of th Joint Chiefs of Staff, after consultation with the Secretary Defense, from officers in the grade of general or admiral, as th case may be, who are recommended for such selection by the Secretary of the military department concerned.

“(3) The functions of the Chairman of the Joint Chiefs of Sta as chairman of the Council may only be delegated to the Vic Chairman of the Joint Chiefs of Staff.”.

(2) The table of sections at the beginning of such chapte is amended by adding at the end the following new item:

“181. Joint Requirements Oversight Council.”.

10 USC 181 note. (b) EFFECTIVE DATE.—The amendments made by this sectio shall take effect on January 31, 1997.

### SEC. 906. RESTRUCTURING OF DEPARTMENT OF DEFENSE ACQUISITION ORGANIZATION AND WORKFORCE.

(a) RESTRUCTURING REPORT.—Not later than March 1, 199 the Secretary of Defense shall submit to Congress a report o the acquisition organization and workforce of the Department Defense. The report shall include—

(1) the plan described in subsection (b); and

(2) the assessment of streamlining and restructurin options described in subsection (c).

(b) PLAN FOR RESTRUCTURING.—(1) The Secretary shall inclu in the report under subsection (a) a plan on how to restructu the current acquisition organization of the Department of Defens in a manner that would enable the Secretary to accomplish th following:

(A) Reduce the number of military and civilian personn assigned to, or employed in, acquisition organizations of th Department of Defense (as defined by the Secretary) by percent over a period of five years, beginning on October 1, 1995.

(B) Eliminate duplication of functions among existing acquisition organizations of the Department of Defense.

(C) Maximize opportunity for consolidation among acquisition organizations of the Department of Defense to reduce management overhead.

(2) In the report, the Secretary shall also identify any statutory requirement or congressional directive that inhibits any proposed restructuring plan or reduction in the size of the defense acquisition organization.

(3) In designing the plan under paragraph (1), the Secretary shall give full consideration to the process efficiencies expected to be achieved through the implementation of the Federal Acquisition Streamlining Act of 1994 (Public Law 103–355), the Federal Acquisition Reform Act of 1995 (division D of this Act), and other ongoing initiatives to increase the use of commercial practices and reduce contract overhead in the defense procurement system.

(c) ASSESSMENT OF SPECIFIED RESTRUCTURING OPTIONS.—The Secretary shall include in the report under subsection (a) a detailed assessment of each of the following options for streamlining and restructuring the existing defense acquisition organization, together with a specific recommendation as to whether each such option should be implemented:

(1) Consolidation of certain functions of the Defense Contract Audit Agency and the Defense Contract Management Command.

(2) Contracting for performance of a significant portion of the workload of the Defense Contract Audit Agency and other Defense Agencies that perform acquisition functions.

(3) Consolidation or selected elimination of Department of Defense acquisition organizations.

(4) Any other defense acquisition infrastructure streamlining or restructuring option the Secretary may determine.

(d) REDUCTION OF ACQUISITION WORKFORCE.—(1) The Secretary of Defense shall accomplish reductions in defense acquisition personnel positions during fiscal year 1996 so that the total number of such personnel as of October 1, 1996, is less than the total number of such personnel as of October 1, 1995, by at least 15,000.

(2) For purposes of this subsection, the term “defense acquisition personnel” means military and civilian personnel assigned to, or employed in, acquisition organizations of the Department of Defense (as specified in Department of Defense Instruction numbered 5000.58 dated January 14, 1992) with the exception of personnel who possess technical competence in trade-skill maintenance and repair positions involved in performing depot maintenance functions.

## SEC. 907. REPORT ON NUCLEAR POSTURE REVIEW AND ON PLANS FOR NUCLEAR WEAPONS MANAGEMENT IN EVENT OF ABOLITION OF DEPARTMENT OF ENERGY.

(a) REPORT REQUIRED.—The Secretary of Defense shall submit to Congress a report concerning the nuclear weapons complex. The report shall set forth—

(1) the Secretary’s views on the effectiveness of the Department of Energy in managing the nuclear weapons complex, including the fulfillment of the requirements for nuclear weap-

ons established for the Department of Energy in the Nuclea Posture Review; and

(2) the Secretary's recommended plan for the incorporatio into the Department of Defense of the national security pro grams of the Department of Energy if the Department of Energ should be abolished and those programs be transferred to th Department of Defense.

(b) DEFINITION.—For purposes of this section, the term "Nuclea Posture Review" means the Department of Defense Nuclear Postur Review as contained in the report entitled "Report of the Secretar of Defense to the President and the Congress", dated Februar 19, 1995, or in subsequent such reports.

(c) SUBMISSION OF REPORT.—The report under subsection ( shall be submitted not later than March 15, 1996.

10 USC 111 note.

### SEC. 908. REDESIGNATION OF ADVANCED RESEARCH PROJECT AGENCY.

(a) REDESIGNATION.—The agency in the Department of Defens known as the Advanced Research Projects Agency shall after th date of the enactment of this Act be designated as the Defens Advanced Research Projects Agency.

(b) REFERENCES.—Any reference in any law, regulation, docu ment, record, or other paper of the United States or in any provisio of this Act to the Advanced Research Projects Agency shall b considered to be a reference to the Defense Advanced Researc Projects Agency.

## Subtitle B—Financial Management

### SEC. 911. TRANSFER AUTHORITY REGARDING FUNDS AVAILABLE FO FOREIGN CURRENCY FLUCTUATIONS.

(a) TRANSFERS TO MILITARY PERSONNEL ACCOUNTS AUTHOR IZED.—Section 2779 of title 10, United States Code, is amende by adding at the end the following:

"(c) TRANSFERS TO MILITARY PERSONNEL ACCOUNTS.—The Se retary of Defense may transfer funds to military personnel appro priations for a fiscal year out of funds available to the Departmen of Defense for that fiscal year under the appropriation 'Foreig Currency Fluctuations, Defense'.".

(b) REVISION AND CODIFICATION OF AUTHORITY FOR TRANSFER TO FOREIGN CURRENCY FLUCTUATIONS ACCOUNT.—Section 2779 such title, as amended by subsection (a), is further amended b adding at the end the following:

"(d) TRANSFERS TO FOREIGN CURRENCY FLUCTUATION ACCOUNT.—(1) The Secretary of Defense may transfer to the appro priation 'Foreign Currency Fluctuations, Defense' unobligate amounts of funds appropriated for operation and maintenance an unobligated amounts of funds appropriated for military personne

"(2) Any transfer from an appropriation under paragraph ( shall be made not later than the end of the second fiscal yea following the fiscal year for which the appropriation is provide

"(3) Any transfer made pursuant to the authority provide in this subsection shall be limited so that the amount in th appropriation 'Foreign Currency Fluctuations, Defense' does n exceed $970,000,000 at the time the transfer is made.".

(c) CONDITIONS OF AVAILABILITY FOR TRANSFERRED FUNDS.—Section 2779 of such title, as amended by subsection (b), is further amended by adding at the end the following:

"(e) CONDITIONS OF AVAILABILITY FOR TRANSFERRED FUNDS.—Amounts transferred under subsection (c) or (d) shall be merged with and be available for the same purposes and for the same period as the appropriations to which transferred.".

(d) REPEAL OF SUPERSEDED PROVISIONS.—(1) Section 767A of Public Law 96–527 (94 Stat. 3093) is repealed.

(2) Section 791 of the Department of Defense Appropriation Act, 1983 (enacted in section 101(c) of Public Law 97–377; 96 Stat. 1865) is repealed.

10 USC 114 note.

(e) TECHNICAL AMENDMENTS.—Section 2779 of title 10, United States Code, is amended—

(1) in subsection (a), by striking out "(a)(1)" and inserting in lieu thereof "(a) TRANSFERS BACK TO FOREIGN CURRENCY FLUCTUATIONS APPROPRIATION.—(1)";

(2) in subsection (a)(2), by striking out "2d fiscal year" and inserting in lieu thereof "second fiscal year"; and

(3) in subsection (b), by striking out "(b)(1)" and inserting in lieu thereof "(b) FUNDING FOR LOSSES IN MILITARY CONSTRUCTION AND FAMILY HOUSING.—(1)".

10 USC 2779 note.

(f) EFFECTIVE DATE.—Subsections (c) and (d) of section 2779 of title 10, United States Code, as added by subsections (a) and (b), and the repeals made by subsection (d), shall apply only with respect to amounts appropriated for a fiscal year after fiscal year 1995.

### SEC. 912. DEFENSE MODERNIZATION ACCOUNT.

(a) ESTABLISHMENT AND USE.—(1) Chapter 131 of title 10, United States Code, is amended by inserting after section 2215 the following new section:

### "§ 2216. Defense Modernization Account

"(a) ESTABLISHMENT.—There is established in the Treasury an account to be known as the 'Defense Modernization Account'.

"(b) TRANSFERS TO ACCOUNT.—(1)(A) Upon a determination by the Secretary of a military department or the Secretary of Defense with respect to Defense-wide appropriations accounts of the availability and source of funds described in subparagraph (B), that Secretary may transfer to the Defense Modernization Account during any fiscal year any amount of funds available to the Secretary described in that subparagraph. Such funds may be transferred to that account only after the Secretary concerned notifies the congressional defense committees in writing of the amount and source of the proposed transfer.

"(B) This subsection applies to the following funds available to the Secretary concerned:

"(i) Unexpired funds in appropriations accounts that are available for procurement and that, as a result of economies, efficiencies, and other savings achieved in carrying out a particular procurement, are excess to the requirements of that procurement.

"(ii) Unexpired funds that are available during the final 30 days of a fiscal year for support of installations and facilities and that, as a result of economies, efficiencies, and other savings, are excess to the requirements for support of installation and facilities.

Regulations.

“(C) Any transfer under subparagraph (A) shall be made unde regulations prescribed by the Secretary of Defense.

“(2) Funds referred to in paragraph (1) may not be transferre to the Defense Modernization Account if—

“(A) the funds are necessary for programs, projects, an activities that, as determined by the Secretary, have a highe priority than the purposes for which the funds would be avai able if transferred to that account; or

“(B) the balance of funds in the account, after transfe of funds to the account, would exceed $1,000,000,000.

“(3) Amounts credited to the Defense Modernization Accour shall remain available for transfer until the end of the third fisc year that follows the fiscal year in which the amounts are credite to the account.

“(4) The period of availability of funds for expenditure provide for in sections 1551 and 1552 of title 31 may not be extende by transfer into the Defense Modernization Account.

“(c) Scope of Use of Funds.—Funds transferred to the Defens Modernization Account from funds appropriated for a militar department, Defense Agency, or other element of the Departmer of Defense shall be available in accordance with subsections ( and (g) only for transfer to funds available for that military depar ment, Defense Agency, or other element.

“(d) Authorized Use of Funds.—Funds available from th Defense Modernization Account pursuant to subsection (f) or ( may be used for the following purposes:

“(1) For increasing, subject to subsection (e), the quantit of items and services procured under a procurement progra in order to achieve a more efficient production or delive rate.

“(2) For research, development, test, and evaluation an for procurement necessary for modernization of an existin system or of a system being procured under an ongoing procur ment program.

“(e) Limitations.—(1) Funds in the Defense Modernizatio Account may not be used to increase the quantity of an ite or services procured under a particular procurement program t the extent that doing so would—

“(A) result in procurement of a total quantity of ite or services in excess of—

“(i) a specific limitation provided by law on the quantit of the items or services that may be procured; or

“(ii) the requirement for the items or services a approved by the Joint Requirements Oversight Council an reported to Congress by the Secretary of Defense; or

“(B) result in an obligation or expenditure of funds i excess of a specific limitation provided by law on the amou that may be obligated or expended, respectively, for th procurement program.

“(2) Funds in the Defense Modernization Account may n be used for a purpose or program for which Congress has n authorized appropriations.

“(3) Funds may not be transferred from the Defense Moderniz tion Account in any year for the purpose of—

"(A) making an expenditure for which there is no corresponding obligation; or

"(B) making an expenditure that would satisfy an unliquidated or unrecorded obligation arising in a prior fiscal year.

"(f) TRANSFER OF FUNDS.—(1) The Secretary of Defense may transfer funds in the Defense Modernization Account to appropriations available for purposes set forth in subsection (d).

"(2) Funds in the Defense Modernization Account may not be transferred under paragraph (1) until 30 days after the date on which the Secretary concerned notifies the congressional defense committees in writing of the amount and purpose of the proposed transfer.

Notification.

"(3) The total amount of transfers from the Defense Modernization Account during any fiscal year under this subsection may not exceed $500,000,000.

"(g) AVAILABILITY OF FUNDS BY APPROPRIATION.—In addition to transfers under subsection (f), funds in the Defense Modernization Account may be made available for purposes set forth in subsection (d) in accordance with the provisions of appropriations Acts, but only to the extent authorized in an Act other than an appropriations Act.

"(h) SECRETARY TO ACT THROUGH COMPTROLLER.—The Secretary of Defense shall carry out this section through the Under Secretary of Defense (Comptroller), who shall be authorized to implement this section through the issuance of any necessary regulations, policies, and procedures after consultation with the General Counsel and Inspector General of the Department of Defense.

"(i) QUARTERLY REPORTS.—(1) Not later than 15 days after the end of each calendar quarter, the Secretary of Defense shall submit to the congressional committees specified in paragraph (2) a report on the Defense Modernization Account. Each such report shall set forth the following:

"(A) The amount and source of each credit to the account during that quarter.

"(B) The amount and purpose of each transfer from the account during that quarter.

"(C) The balance in the account at the end of the quarter and, of such balance, the amount attributable to transfers to the account from each Secretary concerned.

"(2) The committees referred to in paragraph (1) are the congressional defense committees and the Committee on Governmental Affairs of the Senate and the Committee on Government Reform and Oversight of the House of Representatives.

"(j) DEFINITIONS.—In this section:

"(1) The term 'Secretary concerned' includes the Secretary of Defense with respect to Defense-wide appropriations accounts.

"(2) The term 'unexpired funds' means funds appropriated for a definite period that remain available for obligation.

"(3) The term 'congressional defense committees' means—

"(A) the Committee on Armed Services and the Committee on Appropriations of the Senate; and

"(B) the Committee on National Security and the Committee on Appropriations of the House of Representatives.".

(2) The table of sections at the beginning of chapter 131 o such title is amended by inserting after the item relating to sectio 2215 the following new item:

"2216. Defense Modernization Account.".

10 USC 2216 note.

(b) EFFECTIVE DATE.—Section 2216 of title 10, United State Code (as added by subsection (a)), shall apply only to funds appropriated for fiscal years after fiscal year 1995.

10 USC 2216 note.

(c) EXPIRATION OF AUTHORITY AND ACCOUNT.—(1) The authorit under section 2216(b) of title 10, United States Code (as adde by subsection (a)), to transfer funds into the Defense Modernizatio Account terminates at the close of September 30, 2003.

(2) Three years after the termination date specified in paragraph (1), the Defense Modernization Account shall be closed an any remaining balance in the account shall be canceled and thereafter shall not be available for any purpose.

Reports.
10 USC 2216 note.

(d) GAO REVIEWS.—(1) The Comptroller General of the Unite States shall conduct two reviews of the administration of th Defense Modernization Account. In each review, the Comptrolle General shall assess the operations and benefits of the accoun

(2) Not later than March 1, 2000, the Comptroller Genera shall—

(A) complete the first review; and

(B) submit to the specified committees of Congress a initial report on the administration and benefits of the Defens Modernization Account.

(3) Not later than March 1, 2003, the Comptroller Genera shall—

(A) complete the second review; and

(B) submit to the specified committees of Congress a fina report on the administration and benefits of the Defense Moc ernization Account.

(4) Each such report shall include any recommended legislatio regarding the account that the Comptroller General conside appropriate.

(5) For purposes of this subsection, the term "specified commi tees of Congress" means the congressional committees referred t in section 2216(i)(2) of title 10, United States Code, as adde by subsection (a).

### SEC. 913. DESIGNATION AND LIABILITY OF DISBURSING AND CEI TIFYING OFFICIALS.

(a) DISBURSING OFFICIALS.—(1) Section 3321(c) of title 3 United States Code, is amended by striking out paragraph ( and inserting in lieu thereof the following:

"(2) The Department of Defense.".

(2) Section 2773 of title 10, United States Code, is amended-

(A) in subsection (a)—

(i) in paragraph (1), by striking out "With the approv of a Secretary of a military department when the Secretar considers it necessary, a disbursing official of the militar department" and inserting in lieu thereof "Subject to paragraph (3), a disbursing official of the Department Defense"; and

(ii) by adding at the end the following new paragrap

"(3) A disbursing official may make a designation under paragraph (1) only with the approval of the Secretary of Defense o the case of a disbursing official of a military department, the ecretary of that military department.”; and

(B) in subsection (b)(1), by striking out “any military department” and inserting in lieu thereof “the Department of Defense”.

(b) DESIGNATION OF MEMBERS OF THE ARMED FORCES TO HAVE UTHORITY TO CERTIFY VOUCHERS.—Section 3325(b) of title 31, nited States Code, is amended to read as follows:

“(b) In addition to officers and employees referred to in subection (a)(1)(B) of this section as having authorization to certify ouchers, members of the armed forces under the jurisdiction of e Secretary of Defense may certify vouchers when authorized, writing, by the Secretary to do so.”.

(c) CONFORMING AMENDMENTS.—(1) Section 1012 of title 37, nited States Code, is amended by striking out “Secretary conerned” both places it appears and inserting in lieu thereof “Secetary of Defense”.

(2) Section 1007(a) of title 37, United States Code, is amended y striking out “Secretary concerned” and inserting in lieu thereof ecretary of Defense, or upon the denial of relief of an officer ursuant to section 3527 of title 31”.

(3)(A) Section 7863 of title 10, United States Code, is amended—

(i) in the first sentence, by striking out “disbursements of public moneys or” and “the money was paid or”; and

(ii) in the second sentence, by striking out “disbursement or”.

(B)(i) The heading of such section is amended to read as follows:

**§ 7863. Disposal of public stores by order of commanding officer”.**

(ii) The item relating to such section in the table of sections t the beginning of chapter 661 of such title is amended to read s follows:

7863. Disposal of public stores by order of commanding officer.”.

(4) Section 3527(b)(1) of title 31, United States Code, is amended—

(A) by striking out “a disbursing official of the armed forces” and inserting in lieu thereof “an official of the armed forces referred to in subsection (a)”;

(B) by striking out “records,” and inserting in lieu thereof “records, or a payment described in section 3528(a)(4)(A) of this title,”;

(C) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), and realigning such clauses four ems from the left margin;

(D) by inserting before clause (i), as so redesignated, the following:

“(A) in the case of a physical loss or deficiency—”;

(E) in clause (iii), as so redesignated, by striking out the period at the end and inserting in lieu thereof “; or”; and

(F) by adding at the end the following:

“(B) in the case of a payment described in section 3528(a)(4)(A) of this title, the Secretary of Defense or the Secretary of the appropriate military department, after taking a diligent collection action, finds that the criteria of section 3528(b)(1) of this title are satisfied.”.

(5) Section 3528 of title 31, United States Code, is amende by striking out subsection (d).

**SEC. 914. FISHER HOUSE TRUST FUNDS.**

(a) ESTABLISHMENT.—(1) Chapter 131 of title 10, United Stat Code, is amended by adding at the end the following new sectio

### “§ 2221. Fisher House trust funds

“(a) ESTABLISHMENT.—The following trust funds are establishe on the books of the Treasury:

“(1) The Fisher House Trust Fund, Department of th Army.

“(2) The Fisher House Trust Fund, Department of th Air Force.

“(b) INVESTMENT.—Funds in the trust funds may be investe in securities of the United States. Earnings and gains realiz from the investment of funds in a trust fund shall be credite to the trust fund.

“(c) USE OF FUNDS.—(1) Amounts in the Fisher House Tru Fund, Department of the Army, that are attributable to earnin or gains realized from investments shall be available for the ope ation and maintenance of Fisher houses that are located in proxim ity to medical treatment facilities of the Army.

“(2) Amounts in the Fisher House Trust Fund, Departme of the Air Force, that are attributable to earnings or gains realiz from investments shall be available for the operation and maint nance of Fisher houses that are located in proximity to medic treatment facilities of the Air Force.

“(3) The use of funds under this section is subject to secti 1321(b)(2) of title 31.

“(d) FISHER HOUSE DEFINED.—In this section, the term ‘Fish house’ means a housing facility that—

“(1) is located in proximity to a medical treatment facili of the Army or the Air Force; and

“(2) is available for residential use on a temporary bas by patients at such facilities, members of the family of su patients, and others providing the equivalent of familial suppo for such patients.”.

(2) The table of sections at the beginning of such chapt is amended by adding at the end the following new item:

“2221. Fisher House trust funds.”.

10 USC 2221 note. (b) CORPUS OF TRUST FUNDS.—(1) The Secretary of the Treasu shall—

(A) close the accounts established with the funds that we required by section 8019 of Public Law 102–172 (105 St 1175) and section 9023 of Public Law 102–396 (106 Stat. 19 to be transferred to an appropriated trust fund; and

(B) transfer the amounts in such accounts to the Fish House Trust Fund, Department of the Army, established subsection (a)(1) of section 2221 of title 10, United States Co as added by subsection (a).

(2) The Secretary of the Air Force shall transfer to the Fish House Trust Fund, Department of the Air Force, established subsection (a)(2) of section 2221 of title 10, United States Co (as added by section (a)), all amounts in the accounts for Force installations and other facilities that, as of the date of t

nactment of this Act, are available for operation and maintenance f Fisher houses (as defined in subsection (d) of such section 2221).

(c) CONFORMING AMENDMENTS.—Section 1321 of title 31, United tates Code, is amended—

(1) by adding at the end of subsection (a) the following:

"(92) Fisher House Trust Fund, Department of the Army.

"(93) Fisher House Trust Fund, Department of the Air Force."; and

(2) in subsection (b)—

(A) by inserting "(1)" after "(b)";

(B) in the second sentence, by striking out "Amounts accruing to these funds (except to the trust fund 'Armed Forces Retirement Home Trust Fund')" and inserting in lieu thereof "Except as provided in paragraph (2), amounts accruing to these funds";

(C) by striking out the third sentence; and

(D) by adding at the end the following:

"(2) Expenditures from the following trust funds may be made nly under annual appropriations and only if the appropriations re specifically authorized by law:

"(A) Armed Forces Retirement Home Trust Fund.

"(B) Fisher House Trust Fund, Department of the Army.

"(C) Fisher House Trust Fund, Department of the Air Force.".

(d) REPEAL OF SUPERSEDED PROVISIONS.—The following provi- ions of law are repealed:

(1) Section 8019 of Public Law 102–172 (105 Stat. 1175).

(2) Section 9023 of Public Law 102–396 (106 Stat. 1905).

(3) Section 8019 of Public Law 103–139 (107 Stat. 1441).

(4) Section 8017 of Public Law 103–335 (108 Stat. 2620; 10 U.S.C. 1074 note).

### SEC. 915. LIMITATION ON USE OF AUTHORITY TO PAY FOR EMERGENCY AND EXTRAORDINARY EXPENSES.

Section 127 of title 10, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

Notification.

"(c)(1) Funds may not be obligated or expended in an amount n excess of $500,000 under the authority of subsection (a) or b) until the Secretary of Defense has notified the Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on National Security and the Committee on Appropriations of the House of Representatives of the intent to obligate or expend the funds, and—

"(A) in the case of an obligation or expenditure in excess of $1,000,000, 15 days have elapsed since the date of the notification; or

"(B) in the case of an obligation or expenditure in excess of $500,000, but not in excess of $1,000,000, 5 days have elapsed since the date of the notification.

"(2) Subparagraph (A) or (B) of paragraph (1) shall not apply to an obligation or expenditure of funds otherwise covered by such subparagraph if the Secretary of Defense determines that the national security objectives of the United States will be compromised by the application of the subparagraph to the obligation or expenditure. If the Secretary makes a determination with respect

Notification.

to an obligation or expenditure under the preceding sentence, tl
Secretary shall immediately notify the committees referred to
paragraph (1) that such obligation or expenditure is necessa
and provide any relevant information (in classified form, if ne
essary) jointly to the chairman and ranking minority member (
their designees) of such committees.

"(3) A notification under paragraph (1) and information referr
to in paragraph (2) shall include the amount to be obligated
expended, as the case may be, and the purpose of the obligati
or expenditure.".

# TITLE X—GENERAL PROVISIONS

## Subtitle A—Financial Matters

### SEC. 1001. TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—(1) Upon det
mination by the Secretary of Defense that such action is necessa
in the national interest, the Secretary may transfer amounts
authorizations made available to the Department of Defense
this division for fiscal year 1996 between any such authorizatio
for that fiscal year (or any subdivisions thereof). Amounts
authorizations so transferred shall be merged with and be availal
for the same purposes as the authorization to which transferr

(2) The total amount of authorizations that the Secretary
Defense may transfer under the authority of this section may r
exceed $2,000,000,000.

(b) LIMITATIONS.—The authority provided by this section
transfer authorizations—

(1) may only be used to provide authority for items th
have a higher priority than the items from which author
is transferred; and

(2) may not be used to provide authority for an item th
has been denied authorization by Congress.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer ma
from one account to another under the authority of this secti
shall be deemed to increase the amount authorized for the accou
to which the amount is transferred by an amount equal to t
amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary shall promptly not
Congress of each transfer made under subsection (a).

10 USC 114 note.

### SEC. 1002. INCORPORATION OF CLASSIFIED ANNEX.

(a) STATUS OF CLASSIFIED ANNEX.—The Classified Annex p
pared by the committee on conference to accompany the bill H
1530 of the One Hundred Fourth Congress and transmitted
the President is hereby incorporated into this Act.

(b) CONSTRUCTION WITH OTHER PROVISIONS OF ACT.—T
amounts specified in the Classified Annex are not in addition
amounts authorized to be appropriated by other provisions of t
Act.

(c) LIMITATION ON USE OF FUNDS.—Funds appropriated pur
ant to an authorization contained in this Act that are made ava
able for a program, project, or activity referred to in the Classif
Annex may only be expended for such program, project, or activ
in accordance with such terms, conditions, limitations, restrictio

nd requirements as are set out for that program, project, or activity n the Classified Annex.

President.

(d) Distribution of Classified Annex.—The President shall rovide for appropriate distribution of the Classified Annex, or f appropriate portions of the annex, within the executive branch f the Government.

## EC. 1003. IMPROVED FUNDING MECHANISMS FOR UNBUDGETED OPERATIONS.

(a) Revision of Funding Mechanism.—(1) Section 127a of tle 10, United States Code, is amended to read as follows:

### § 127a. Operations for which funds are not provided in advance: funding mechanisms

"(a) In General.—(1) The Secretary of Defense shall use the rocedures prescribed by this section with respect to any operation pecified in paragraph (2) that involves—

"(A) the deployment (other than for a training exercise) of elements of the Armed Forces for a purpose other than a purpose for which funds have been specifically provided in advance; or

"(B) the provision of humanitarian assistance, disaster relief, or support for law enforcement (including immigration control) for which funds have not been specifically provided in advance.

"(2) This section applies to—

"(A) any operation the incremental cost of which is expected to exceed $50,000,000; and

"(B) any other operation the expected incremental cost of which, when added to the expected incremental costs of other operations that are currently ongoing, is expected to result in a cumulative incremental cost of ongoing operations of the Department of Defense in excess of $100,000,000.

ny operation the incremental cost of which is expected not to xceed $10,000,000 shall be disregarded for the purposes of subpararaph (B).

Notification.

"(3) Whenever an operation to which this section applies is ommenced or subsequently becomes covered by this section, the ecretary of Defense shall designate and identify that operation or the purposes of this section and shall promptly notify Congress f that designation (and of the identification of the operation).

"(4) This section does not provide authority for the President r the Secretary of Defense to carry out any operation, but establishes mechanisms for the Department of Defense by which funds re provided for operations that the armed forces are required o carry out under some other authority.

"(b) Waiver of Requirement To Reimburse Support Units.—1) The Secretary of Defense shall direct that, when a unit of he Armed Forces participating in an operation described in subection (a) receives services from an element of the Department f Defense that operates through the Defense Business Operations und (or a successor fund), such unit of the Armed Forces may ot be required to reimburse that element for the incremental osts incurred by that element in providing such services, notwithtanding any other provision of law or any Government accounting ractice.

Records.

“(2) The amounts which but for paragraph (1) would be requir to be reimbursed to an element of the Department of Defen (or a fund) shall be recorded as an expense attributable to th operation and shall be accounted for separately.

“(c) TRANSFER AUTHORITY.—(1) Whenever there is an operati of the Department of Defense described in subsection (a), the Se retary of Defense may transfer amounts described in paragra (3) to accounts from which incremental expenses for that operati were incurred in order to reimburse those accounts for those incr mental expenses. Amounts so transferred shall be merged wi and be available for the same purposes as the accounts to whi transferred.

“(2) The total amount that the Secretary of Defense may tran fer under the authority of this section in any fiscal year $200,000,000.

“(3) Transfers under this subsection may only be made fro amounts appropriated to the Department of Defense for any fisc year that remain available for obligation, other than amounts with any operation and maintenance appropriation that are availab for (A) an account (known as a budget activity 1 account) th is specified as being for operating forces, or (B) an account (kno as a budget activity 2 account) that is specified as being for mobiliz tion.

“(4) The authority provided by this subsection is in additi to any other authority provided by law authorizing the trans of amounts available to the Department of Defense. However, t Secretary may not use any such authority under another provisi of law for a purpose described in paragraph (1) if there is author available under this subsection for that purpose.

“(5) The authority provided by this subsection to trans amounts may not be used to provide authority for an activ that has been denied authorization by Congress.

“(6) A transfer made from one account to another under t authority of this subsection shall be deemed to increase the amou authorized for the account to which the amount is transferr by an amount equal to the amount transferred.

“(d) REPORT UPON DESIGNATION OF AN OPERATION.—With 45 days after the Secretary of Defense identifies an operation purs ant to subsection (a)(2), the Secretary of Defense shall subm to Congress a report that sets forth the following:

“(1) The manner by which the Secretary proposes to obta funds for the cost to the United States of the operation, incl ing a specific discussion of how the Secretary proposes to rest balances in—

“(A) the Defense Business Operations Fund (or successor fund), or

“(B) the accounts from which the Secretary transf funds under the authority of subsection (c), to the lev that would have been anticipated but for the provisi of subsection (c).

“(2) If the operation is described in subsection (a)(1)( a justification why the budgetary resources of another dep ment or agency of the Federal Government, instead of resour of the Department of Defense, are not being used for carry out the operation.

“(3) The objectives of the operation.

"(4) The estimated duration of the operation and of any deployment of armed forces personnel in such operation.

"(5) The estimated incremental cost of the operation to the United States.

"(6) The exit criteria for the operation and for the withdrawal of the elements of the armed forces involved in the operation.

"(e) LIMITATIONS.—(1) The Secretary may not restore balances in the Defense Business Operations Fund through increases in rates charged by that fund in order to compensate for costs incurred and not reimbursed due to subsection (b).

"(2) The Secretary may not restore balances in the Defense Business Operations Fund or any other fund or account through the use of unobligated amounts in an operation and maintenance appropriation that are available within that appropriation for (A) an account (known as a budget activity 1 account) that is specified as being for operating forces, or (B) an account (known as a budget activity 2 account) that is specified as being for mobilization.

"(f) SUBMISSION OF REQUESTS FOR SUPPLEMENTAL APPROPRIATIONS.—It is the sense of Congress that whenever there is an operation described in subsection (a), the President should, not later than 90 days after the date on which notification is provided pursuant to subsection (a)(3), submit to Congress a request for the enactment of supplemental appropriations for the then-current fiscal year in order to provide funds to replenish the Defense Business Operations Fund or any other fund or account of the Department of Defense from which funds for the incremental expenses of that operation were derived under this section and should, as necessary, submit subsequent requests for the enactment of such appropriations.

"(g) INCREMENTAL COSTS.—For purposes of this section, incremental costs of the Department of Defense with respect to an operation are the costs of the Department that are directly attributable to the operation (and would not have been incurred but for the operation). Incremental costs do not include the cost of property or services acquired by the Department that are paid for by a source outside the Department or out of funds contributed by such a source.

"(h) RELATIONSHIP TO WAR POWERS RESOLUTION.—This section may not be construed as altering or superseding the War Powers Resolution. This section does not provide authority to conduct any military operation.

"(i) GAO COMPLIANCE REVIEWS.—The Comptroller General of the United States shall from time to time, and when requested by a committee of Congress, conduct a review of the defense funding structure under this section to determine whether the Department of Defense is complying with the requirements and limitations of this section.".

(2) The item relating to section 127a in the table of sections at the beginning of chapter 3 of such title is amended to read as follows:

"127a. Operations for which funds are not provided in advance: funding mechanisms.".

10 USC 127a note.

(b) EFFECTIVE DATE.—The amendment to section 127a of title 10, United States Code, made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to any operation of the Department of Defense that is in effect on after that date, whether such operation is begun before, on, after such date of enactment. In the case of an operation begu before such date, any reference in such section to the commenc ment of such operation shall be treated as referring to the effecti date under the preceding sentence.

### SEC. 1004. OPERATION PROVIDE COMFORT.

(a) Authorization of Amounts Available.—Within the tot amounts authorized to be appropriated in titles III and IV, the is hereby authorized to be appropriated for fiscal year 1996 f costs associated with Operation Provide Comfort—

(1) $136,300,000 for operation and maintenance costs; a

(2) $7,000,000 for incremental military personnel cost

(b) Report.—Not more than $70,000,000 of the amount appr priated under subsection (a) may be obligated until the Secreta of Defense submits to the congressional defense committees a repo on Operation Provide Comfort which includes the following:

(1) A detailed presentation of the projected costs to incurred by the Department of Defense for Operation Provi Comfort during fiscal year 1996, together with a discussi of missions and functions expected to be performed by t Department as part of that operation during that fiscal ye

(2) A detailed presentation of the projected costs to incurred by other departments and agencies of the Feder Government participating in or providing support to Operati Provide Comfort during fiscal year 1996.

(3) A discussion of available options to reduce the involv ment of the Department of Defense in those aspects of Op ation Provide Comfort that are not directly related to the mi tary mission of the Department of Defense.

(4) A plan establishing an exit strategy for United Stat involvement in, and support for, Operation Provide Comfo

(c) Operation Provide Comfort.—For purposes of this sectio the term "Operation Provide Comfort" means the operation of t Department of Defense that as of October 30, 1995, is designat as Operation Provide Comfort.

### SEC. 1005. OPERATION ENHANCED SOUTHERN WATCH.

(a) Authorization of Amounts Available.—Within the tot amounts authorized to be appropriated in titles III and IV, the is hereby authorized to be appropriated for fiscal year 1996 costs associated with Operation Enhanced Southern Watch—

(1) $433,400,000 for operation and maintenance costs; a

(2) $70,400,000 for incremental military personnel cos

(b) Report.—(1) Of the amounts specified in subsection ( not more than $250,000,000 may be obligated until the Secreta of Defense submits to the congressional defense committees a rep designating Operation Enhanced Southern Watch, or significa elements thereof, as a forward presence operation for fundi should be budgeted as part of the annual defense budget proce in the same manner as other activities of the Armed Forces invo ing forward presence or forward deployed forces.

(2) The report shall set forth the following:

(A) The expected duration and annual costs of the vario elements of Operation Enhanced Southern Watch.

(B) Those elements of Operation Enhanced Southern Wat that are semi-permanent in nature and should be budget in the future as part of the annual defense budget process in the same manner as other activities of the Armed Forces involving forward presence or forward deployed forces.

(C) The political and military objectives associated with Operation Enhanced Southern Watch.

(D) The contributions (both in-kind and actual) by other nations to the costs of conducting Operation Enhanced Southern Watch.

(c) OPERATION ENHANCED SOUTHERN WATCH.—For purposes this section, the term "Operation Enhanced Southern Watch" eans the operation of the Department of Defense that as of Octoer 30, 1995, is designated as Operation Enhanced Southern Watch.

## EC. 1006. AUTHORITY FOR OBLIGATION OF CERTAIN UNAUTHORIZED FISCAL YEAR 1995 DEFENSE APPROPRIATIONS.

(a) AUTHORITY.—The amounts described in subsection (b) may e obligated and expended for programs, projects, and activities the Department of Defense in accordance with fiscal year 1995 efense appropriations.

(b) COVERED AMOUNTS.—The amounts referred to in subsection ) are the amounts provided for programs, projects, and activities the Department of Defense in fiscal year 1995 defense appropriaons that are in excess of the amounts provided for such programs, rojects, and activities in fiscal year 1995 defense authorizations.

(c) DEFINITIONS.—For the purposes of this section:

(1) FISCAL YEAR 1995 DEFENSE APPROPRIATIONS.—The term "fiscal year 1995 defense appropriations" means amounts appropriated or otherwise made available to the Department of Defense for fiscal year 1995 in the Department of Defense Appropriations Act, 1995 (Public Law 103–335).

(2) FISCAL YEAR 1995 DEFENSE AUTHORIZATIONS.—The term "fiscal year 1995 defense authorizations" means amounts authorized to be appropriated for the Department of Defense for fiscal year 1995 in the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337).

## EC. 1007. AUTHORIZATION OF PRIOR EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 1995.

(a) ADJUSTMENT TO PREVIOUS AUTHORIZATIONS.—Amounts uthorized to be appropriated to the Department of Defense for scal year 1995 in the National Defense Authorization Act for iscal Year 1995 (Public Law 103–337) are hereby adjusted, with espect to any such authorized amount, by the amount by which ppropriations pursuant to such authorization were increased (by supplemental appropriation) or decreased (by a rescission), or oth, in title I of the Emergency Supplemental Appropriations nd Rescissions for the Department of Defense to Preserve and nhance Military Readiness Act of 1995 (Public Law 104–6; 109 tat. 73).

(b) NEW AUTHORIZATION.—The appropriation provided in section 104 of such Act (109 Stat. 79) is hereby authorized.

## EC. 1008. AUTHORIZATION REDUCTIONS TO REFLECT SAVINGS FROM REVISED ECONOMIC ASSUMPTIONS.

(a) REDUCTION.—The total amount authorized to be appropriated in titles I, II, and III of this Act is hereby reduced by 832,000,000 to reflect savings from revised economic assumptions.

Such reduction shall be made from accounts in those titles follows:

Operation and Maintenance, Army, $54,000,000.
Operation and Maintenance, Navy, $80,000,000.
Operation and Maintenance, Marine Corps, $9,000,000.
Operation and Maintenance, Air Force, $51,000,000.
Operation and Maintenance, Defense-Wide, $36,000,00
Operation and Maintenance, Army Reserve, $4,000,00
Operation and Maintenance, Navy Reserve, $4,000,000.
Operation and Maintenance, Marine Corps Reserv $1,000,000.
Operation and Maintenance, Air Force Reserve, $3,000,00
Operation and Maintenance, Army National Guar $7,000,000.
Operation and Maintenance, Air National Guar $7,000,000.
Drug Interdiction and Counter-Drug Activities, Defens $5,000,000.
Environmental Restoration, Defense, $11,000,000.
Overseas Humanitarian, Disaster, and Civic Ai $1,000,000.
Former Soviet Union Threat Reduction, $2,000,000.
Defense Health Program, $51,000,000.
Aircraft Procurement, Army, $9,000,000.
Missile Procurement, Army, $5,000,000.
Procurement of Weapons and Tracked Combat Vehicl Army, $10,000,000.
Procurement of Ammunition, Army, $6,000,000.
Other Procurement, Army, $17,000,000.
Aircraft Procurement, Navy, $29,000,000.
Weapons Procurement, Navy, $13,000,000.
Shipbuilding and Conversion, Navy, $42,000,000.
Other Procurement, Navy, $18,000,000.
Procurement, Marine Corps, $4,000,000.
Aircraft Procurement, Air Force, $50,000,000.
Missile Procurement, Air Force, $29,000,000.
Other Procurement, Air Force, $45,000,000.
Procurement, Defense-Wide, $16,000,000.
Chemical Agents and Munitions Destruction, Defen $5,000,000.
Research, Development, Test and Evaluation, Arm $20,000,000.
Research, Development, Test and Evaluation, Na $50,000,000.
Research, Development, Test and Evaluation, Air For $79,000,000.
Research, Development, Test and Evaluation, Defen Wide, $57,000,000.
Research, Development, Test and Evaluation, Defen $2,000,000.

(b) REDUCTIONS TO BE APPLIED PROPORTIONALLY.—Reductic under this section shall be applied proportionally to each budg activity, activity group, and subactivity group and to each progra project, and activity within each account.

## Subtitle B—Naval Vessels and Shipyards

### EC. 1011. IOWA CLASS BATTLESHIPS.

(a) Return to Naval Vessel Register.—The Secretary of ne Navy shall list on the Naval Vessel Register, and maintain n such register, at least two of the Iowa-class battleships that vere stricken from the register in February 1995.

(b) Support.—The Secretary shall retain the existing logistical upport necessary for support of at least two operational Iowa lass battleships in active service, including technical manuals, epair and replacement parts, and ordnance.

(c) Selection of Ships.—The Secretary shall select for listing n the Naval Vessel Register under subsection (a) Iowa class battlehips that are in good material condition and can provide adequate ire support for an amphibious assault.

Certification.
Termination date.

(d) Replacement Fire-Support Capability.—(1) If the Secetary of the Navy makes a certification described in paragraph 2), the requirements of subsections (a) and (b) shall terminate, ffective 60 days after the date of the submission of such ertification.

(2) A certification referred to in paragraph (1) is a certification ubmitted by the Secretary of the Navy in writing to the Committee n Armed Services of the Senate and the Committee on National ecurity of the House of Representatives that the Navy has within he fleet an operational surface fire-support capability that equals r exceeds the fire-support capability that the Iowa class battleships isted on the Naval Vessel Register pursuant to subsection (a) vould, if in active service, be able to provide for Marine Corps mphibious assaults and operations ashore.

### EC. 1012. TRANSFER OF NAVAL VESSELS TO CERTAIN FOREIGN COUNTRIES.

(a) Transfers by Grant.—The Secretary of the Navy is authorzed to transfer on a grant basis under section 516 of the Foreign ssistance Act of 1961 (22 U.S.C. 2321j) frigates of the Oliver azard Perry class to other countries as follows:

(1) To the Government of Bahrain, the guided missile frigate Jack Williams (FFG 24).

(2) To the Government of Egypt, the frigate Copeland (FFG 25).

(3) To the Government of Turkey, the frigates Clifton Sprague (FFG 16) and Antrim (FFG 20).

(b) Transfers by Lease or Sale.—The Secretary of the Navy s authorized to transfer on a lease basis under section 61 of he Arms Export Control Act (22 U.S.C. 2796) or on a sale basis nder section 21 of the Arms Export Control Act (22 U.S.C. 2761) rigates of the Oliver Hazard Perry class to other countries as ollows:

(1) To the Government of Egypt, the frigate Duncan (FFG 10).

(2) To the Government of Oman, the guided missile frigate Mahlon S. Tisdale (FFG 27).

(3) To the Government of Turkey, the frigate Flatley (FFG 21).

(4) To the Government of the United Arab Emirates, the guided missile frigate Gallery (FFG 26).

(c) FINANCING FOR TRANSFERS BY LEASE.—Section 23 of t
Arms Export Control Act (22 U.S.C. 2763) may be used to provi
financing for any transfer by lease under subsection (b) in t
same manner as if such transfer were a procurement by the reci
ent nation of a defense article.

(d) COSTS OF TRANSFERS.—Any expense incurred by the Unit
States in connection with a transfer authorized by subsection
or (b) shall be charged to the recipient.

(e) EXPIRATION OF AUTHORITY.—The authority to transfer
vessel under subsection (a) and under subsection (b) shall exp
at the end of the two-year period beginning on the date of t
enactment of this Act, except that a lease entered into duri
that period under any provision of subsection (b) may be renew

(f) REPAIR AND REFURBISHMENT IN UNITED STATES SH
YARDS.—The Secretary of the Navy shall require, as a conditi
of the transfer of a vessel under this section, that the coun
to which the vessel is transferred have such repair or refurbishm
of the vessel as is needed, before the vessel joins the naval for
of that country, performed at a shipyard located in the Unit
States, including a United States Navy shipyard.

(g) PROHIBITION ON CERTAIN TRANSFERS OF VESSELS ON GRA
BASIS.—(1) Section 516 of the Foreign Assistance Act of 1961
U.S.C. 2321j) is amended by adding at the end the following n
subsection:

"(g) PROHIBITION ON CERTAIN TRANSFERS OF VESSELS ON GRA
BASIS.—(1) The President may not transfer on a grant basis un
this section a vessel that is in excess of 3,000 tons or that
less than 20 years of age.

"(2) If the President determines that it is in the natio
security interests of the United States to transfer a particu
vessel on a grant basis under this section, the President m
request that Congress enact legislation exempting the transfer fr
the prohibition in paragraph (1).".

Applicability.
22 USC 2321j
note.

(2) The amendment made by paragraph (1) shall apply w
respect to the transfer of a vessel on or after the date of
enactment of this Act (other than a vessel the transfer of wh
is authorized by subsection (a) or by law before the date of
enactment of this Act).

### SEC. 1013. CONTRACT OPTIONS FOR LMSR VESSELS.

(a) FINDINGS.—Congress makes the following findings:

(1) A requirement for the Department of the Navy
acquire 19 large, medium-speed, roll-on/roll-off (LMSR) vess
was established by the Secretary of Defense in the Mobi
Requirements Study conducted after the Persian Gulf V
pursuant to section 909 of the National Defense Authorizat
Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 16
and was revalidated by the Secretary of Defense in the rep
entitled "Mobility Requirements Study Bottom-Up Revi
Update", submitted to Congress in April 1995.

(2) The Strategic Sealift Program is a vital element
the national military strategy calling for the Nation to
able to fight and win two nearly simultaneous major regio
contingencies.

(3) The Secretary of the Navy has entered into contra
with shipyards covering acquisition of a total of 17 such LM
vessels, of which five are vessel conversions and 12 are

construction vessels. Under those contracts, the Secretary has placed orders for the acquisition of 11 vessels and has options for the acquisition of six more, all of which would be new construction vessels. The options allow the Secretary to place orders for one vessel to be constructed at each of two shipyards for award before December 31, 1995, December 31, 1996, and December 31, 1997, respectively.

(4) Acquisition of an additional two such LMSR vessels, for a total of 19 vessels (the requirement described in paragraph (1)) would contribute to preservation of the industrial base of United States shipyards capable of building auxiliary and sealift vessels.

(b) SENSE OF CONGRESS.—It is the sense of Congress that he Secretary of the Navy should plan for, and budget to provide or, the acquisition as soon as possible of a total of 19 large, edium-speed, roll-on/roll-off (LMSR) vessels (the number determined to be required in the Mobility Requirements Study referred o in subsection (a)(1)), rather than only 17 such vessels (the number f vessels under contract as of May 1995).

(c) ADDITIONAL NEW CONSTRUCTION CONTRACT OPTION.—The ecretary of the Navy should negotiate with each of the two shipards holding new construction contracts referred to in subsection a)(3) (Department of the Navy contracts numbered N00024–93–C–2203 and N00024–93–C–2205) for an option under each such ontract for construction of one additional such LMSR vessel, with uch option to be available to the Secretary for exercise during 995, 1996, or 1997, subject to the availability of funds authorized nd appropriated for such purpose. Nothing in this subsection shall e construed to preclude the Secretary of the Navy from competing he award of the two options between the two shipyards holding ew construction contracts referred to in subsection (a)(3).

(d) REPORT.—The Secretary of the Navy shall submit to the ongressional defense committees, by March 31, 1996, a report tating the intentions of the Secretary regarding the acquisition f options for the construction of two additional LMSR vessels s described in subsection (c).

## EC. 1014. NATIONAL DEFENSE RESERVE FLEET.

(a) AVAILABILITY OF NATIONAL DEFENSE SEALIFT FUND.—Secion 2218 of title 10, United States Code, is amended—

(1) in subsection (c)(1)—

(A) by striking out "only for—" in the matter preceding subparagraph (A) and inserting in lieu thereof "only for the following purposes:";

(B) by capitalizing the first letter of the first word of subparagraphs (A), (B), (C), and (D);

(C) by striking out the semicolon at the end of subparagraphs (A) and (B) and inserting in lieu thereof a period;

(D) by striking out "; and" at the end of subparagraph (C) and inserting in lieu thereof a period; and

(E) by adding at the end the following new subparagraph:

"(E) Expenses for maintaining the National Defense Reserve Fleet under section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744), and for the costs of acquisition of vessels for, and alteration and conversion of vessels in (or to be placed in), the fleet, but only for vessels bu in United States shipyards."; and

(2) in subsection (i), by inserting "(other than subsecti (c)(1)(E))" after "Nothing in this section".

(b) Clarification of Exemption of NDRF Vessels Fr Retrofit Requirement.—Section 11 of the Merchant Ship Sal Act of 1946 (50 U.S.C. App. 1744) is amended by adding at t end the following new subsection:

"(e) Vessels in the National Defense Reserve Fleet are exem from the provisions of section 3703a of title 46, United Stat Code.".

(c) Authority To Use National Defense Sealift Fund Convert Two Vessels.—Of the amount authorized to be appr priated in section 302 for fiscal year 1996 for the National Defen Sealift Fund under section 2218 of title 10, United States Co not more than $20,000,000 shall be available for conversion wo on the following two roll-on/roll-off vessels, which were acquir by the Maritime Administration during fiscal year 1995:

(1) M/V Cape Knox (ON–1036323).

(2) M/V Cape Kennedy (ON–1036324).

### SEC. 1015. NAVAL SALVAGE FACILITIES.

Chapter 637 of title 10, United States Code, is amended read as follows:

## "CHAPTER 637—SALVAGE FACILITIES

"Sec.
"7361. Authority to provide for necessary salvage facilities.
"7362. Acquisition and transfer of vessels and equipment.
"7363. Settlement of claims.
"7364. Disposition of receipts.

Contracts.

### "§ 7361. Authority to provide for necessary salvage faciliti

"(a) Authority.—The Secretary of the Navy may provide, contract or otherwise, necessary salvage facilities for public a private vessels.

"(b) Coordination With Secretary of Transportation The Secretary shall submit to the Secretary of Transportation comment each proposed contract for salvage facilities that affe the interests of the Department of Transportation.

"(c) Limitation.—The Secretary of the Navy may enter i a term contract under subsection (a) only if the Secretary det mines that available commercial salvage facilities are inadequ to meet the requirements of national defense.

"(d) Public Notice.—The Secretary may not enter into a c tract under subsection (a) until the Secretary has provided pub notice of the intent to enter into such a contract.

### "§ 7362. Acquisition and transfer of vessels and equipme

"(a) Authority.—The Secretary of the Navy may acquire transfer for operation by private salvage companies such vess and equipment as the Secretary considers necessary.

"(b) Agreement on Use.—Before any salvage vessel or salv gear is transferred by the Secretary to a private party, the priv party must agree in writing with the Secretary that the ves or gear will be used to support organized offshore salvage facilit for a period of as many years as the Secretary considers appropri "(c) REFERENCE TO AUTHORITY TO ADVANCE FUNDS FOR IMMEDIATE SALVAGE OPERATIONS.—For authority for the Secretary of the Navy to advance to private salvage companies such funds as the Secretary considers necessary to provide for the immediate financing of salvage operations, see section 2307(g)(2) of this title.

### "§ 7363. Settlement of claims

"The Secretary of the Navy may settle any claim by the United States for salvage services rendered by the Department of the Navy and may receive payment of any such claim.

### "§ 7364. Disposition of receipts

"Amounts received under this chapter shall be credited to appropriations for maintaining naval salvage facilities. However, any amount received under this chapter in any fiscal year in excess of naval salvage costs incurred by the Navy during that fiscal year shall be deposited into the general fund of the Treasury.".

### SEC. 1016. VESSELS SUBJECT TO REPAIR UNDER PHASED MAINTENANCE CONTRACTS.

(a) IN GENERAL.—The Secretary of the Navy shall ensure that any vessel that is covered by the contract referred to in subsection (b) remains covered by that contract, regardless of the operating command to which the vessel is subsequently assigned, unless the vessel is taken out of service for the Department of the Navy.

(b) COVERED CONTRACT.—The contract referred to in subsection (a) is the contract entered into before the date of the enactment of this Act for the phased maintenance of AE class ships.

### SEC. 1017. CLARIFICATION OF REQUIREMENTS RELATING TO REPAIRS OF VESSELS.

Section 7310(a) of title 10, United States Code, is amended by inserting "or Guam" after "the United States" the second place it appears.

### SEC. 1018. SENSE OF CONGRESS CONCERNING NAMING OF AMPHIBIOUS SHIPS.

It is the sense of Congress that the Secretary of the Navy—

(1) should name the vessel to be designated LHD–7 as the U.S.S. Iwo Jima; and

(2) should name the vessel to be designated LPD–17, and each subsequent ship of the LPD–17 class, after a Marine Corps battle or a member of the Marine Corps.

### SEC. 1019. SENSE OF CONGRESS CONCERNING NAMING OF NAVAL VESSEL.

Joseph Vittori.

It is the sense of Congress that the Secretary of the Navy should name an appropriate ship of the United States Navy the U.S.S. Joseph Vittori, in honor of Marine Corporal Joseph Vittori (1929–1951) of Beverly, Massachusetts, who was posthumously awarded the Medal of Honor for actions against the enemy in Korea on September 15–16, 1951.

### SEC. 1020. TRANSFER OF RIVERINE PATROL CRAFT.

(a) AUTHORITY TO TRANSFER VESSEL.—Notwithstanding subsections (a) and (d) of section 7306 of title 10, United States Code, but subject to subsections (b) and (c) of that section, the Secretary of the Navy may transfer a vessel described in subsection (b) to Tidewater Community College, Portsmouth, Virginia, for sc entific and educational purposes.

(b) VESSEL.—The authority under subsection (a) applies in th case of a riverine patrol craft of the U.S.S. Swift class.

(c) LIMITATION.—The transfer authorized by subsection (a) ma be made only if the Secretary determines that the vessel to b transferred is of no further use to the United States for nation security purposes.

(d) TERMS AND CONDITIONS.—The Secretary may require su terms and conditions in connection with the transfer authoriz by this section as the Secretary considers appropriate.

## Subtitle C—Counter-Drug Activities

### SEC. 1021. REVISION AND CLARIFICATION OF AUTHORITY FOR FE ERAL SUPPORT OF DRUG INTERDICTION AND COUNTE DRUG ACTIVITIES OF THE NATIONAL GUARD.

(a) FUNDING ASSISTANCE AUTHORIZED.—Subsection (a) of se tion 112 of title 32, United States Code, is amended to read follows:

“(a) FUNDING ASSISTANCE.—The Secretary of Defense may pr vide funds to the Governor of a State who submits to the Secreta a State drug interdiction and counter-drug activities plan satisfyi the requirements of subsection (c). Such funds shall be used for

“(1) the pay, allowances, clothing, subsistence, gratuiti travel, and related expenses, as authorized by State law, personnel of the National Guard of that State used, wh not in Federal service, for the purpose of drug interdicti and counter-drug activities;

“(2) the operation and maintenance of the equipment a facilities of the National Guard of that State used for t purpose of drug interdiction and counter-drug activities; a

“(3) the procurement of services and leasing of equipme for the National Guard of that State used for the purpo of drug interdiction and counter-drug activities.”.

(b) REORGANIZATION OF SECTION.—Such section is furth amended—

(1) by redesignating subsection (f) as subsection (h);

(2) by redesignating subsection (d) as subsection (g) a transferring that subsection to appear before subsection ( as redesignated by paragraph (1); and

(3) by redesignating subsections (b) and (c) as subsectio (c) and (d), respectively.

(c) STATE DRUG INTERDICTION AND COUNTER-DRUG ACTIVITI PLAN.—Subsection (c) of such section, as redesignated by subsecti (b)(3), is amended—

(1) in the matter preceding paragraph (1), by striking o “A plan referred to in subsection (a)” and inserting in li thereof “A State drug interdiction and counter-drug activiti plan”;

(2) by striking out “and” at the end of paragraph ( and

(3) in paragraph (3)—

(A) by striking out “annual training” and inserti in lieu thereof “training”;

(B) by striking out the period at the end and inserting in lieu thereof a semicolon; and

(C) by adding at the end the following new paragraphs:

Certification.

“(4) include a certification by the Attorney General of the State (or, in the case of a State with no position of Attorney General, a civilian official of the State equivalent to a State attorney general) that the use of the National Guard of the State for the activities proposed under the plan is authorized by, and is consistent with, State law; and

“(5) certify that the Governor of the State or a civilian law enforcement official of the State designated by the Governor has determined that any activities included in the plan that are carried out in conjunction with Federal law enforcement agencies serve a State law enforcement purpose.”.

(d) EXAMINATION OF STATE PLAN.—Subsection (d) of such section, as redesignated by subsection (b)(3), is amended—

(1) in paragraph (1)—

(A) by striking out “subsection (b)” and inserting in lieu thereof “subsection (c)”; and

(B) by inserting after “Before funds are provided to the Governor of a State under this section” the following: “and before members of the National Guard of that State are ordered to full-time National Guard duty as authorized in subsection (b)”; and

(2) in paragraph (3)—

(A) in subparagraph (A), by striking out “subsection (b)” and inserting in lieu thereof “subsection (c)”; and

(B) by striking out subparagraph (B) and inserting in lieu thereof the following:

“(B) pursuant to the plan submitted for a previous fiscal year, funds were provided to the State in accordance with subsection (a) or personnel of the National Guard of the State were ordered to perform full-time National Guard duty in accordance with subsection (b).”.

(e) USE OF PERSONNEL PERFORMING FULL-TIME NATIONAL GUARD DUTY.—Such section is further amended by inserting after subsection (a) the following new subsection (b):

Regulations.

“(b) USE OF PERSONNEL PERFORMING FULL-TIME NATIONAL GUARD DUTY.—Under regulations prescribed by the Secretary of Defense, personnel of the National Guard of a State may, in accordance with the State drug interdiction and counter-drug activities plan referred to in subsection (c), be ordered to perform full-time National Guard duty under section 502(f) of this title for the purpose of carrying out drug interdiction and counter-drug activities.”.

(f) END STRENGTH LIMITATION.—Such section is further amended by inserting after subsection (e) the following new subsection (f):

“(f) END STRENGTH LIMITATION.—(1) Except as provided in paragraph (2), at the end of a fiscal year there may not be more than 4000 members of the National Guard—

“(A) on full-time National Guard duty under section 502(f) of this title to perform drug interdiction or counter-drug activities pursuant to an order to duty for a period of more than 180 days; or

“(B) on duty under State authority to perform drug interdiction or counter-drug activities pursuant to an order to duty for a period of more than 180 days with State pay and allowances being reimbursed with funds provided under subsection (a)(1).

"(2) The Secretary of Defense may increase the end strength authorized under paragraph (1) by not more than 20 percent for any fiscal year if the Secretary determines that such an increase is necessary in the national security interests of the United States.".

(g) DEFINITIONS.—Subsection (h) of such section, as redesignated by subsection (b)(1), is amended by striking out paragraph (1) and inserting in lieu thereof the following:

"(1) The term 'drug interdiction and counter-drug activities', with respect to the National Guard of a State, means the use of National Guard personnel in drug interdiction and counter-drug law enforcement activities authorized by the law of the State and requested by the Governor of the State.".

(h) TECHNICAL AMENDMENTS.—Subsection (e) of such section is amended—

(1) in paragraph (1), by striking out "sections 517 and 524" and inserting in lieu thereof "sections 12011 and 12012"; and

(2) in paragraph (2), by striking out "the Committees on Armed Services of the Senate and House of Representatives" and inserting in lieu thereof "the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives".

## Subtitle D—Civilian Personnel

### SEC. 1031. MANAGEMENT OF DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL.

Section 129 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking out "man-year constraint or limitation" and inserting in lieu thereof "constraint or limitation in terms of man years, end strength, full-time equivalent positions, or maximum number of employees"; and

(B) by adding at the end the following new sentence: "The Secretary of Defense and the Secretaries of the military departments may not be required to make a reduction in the number of full-time equivalent positions in the Department of Defense unless such reduction is necessary due to a reduction in funds available to the Department or is required under a law that is enacted after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1996 and that refers specifically to this subsection.";

(2) in subsection (b)(2), by striking out "any end-strength" and inserting in lieu thereof "any constraint or limitation in terms of man years, end strength, full-time equivalent positions, or maximum number of employees"; and

(3) by adding at the end the following new subsection:

"(d) With respect to each budget activity within an appropriation for a fiscal year for operations and maintenance, the Secretary of Defense shall ensure that there are employed during that fiscal year employees in the number and with the combination of skills and qualifications that are necessary to carry out the functions within that budget activity for which funds are provided for that fiscal year.".

### SEC. 1032. CONVERSION OF MILITARY POSITIONS TO CIVILIAN POSITIONS.

10 USC 129a note.

Effective date.

(a) CONVERSION REQUIREMENT.—(1) By September 30, 1997, the Secretary of Defense shall convert at least 10,000 military positions to civilian positions.

(2) At least 3,000 of the military positions converted to satisfy the requirement of paragraph (1) shall be converted to civilian positions not later than September 30, 1996.

(3) In this subsection:

(A) The term "military position" means a position that, as of the date of the enactment of this Act, is authorized to be filled by a member of the Armed Forces on active duty.

(B) The term "civilian position" means a position that is required to be filled by a civilian employee of the Department of Defense.

(b) IMPLEMENTATION PLAN.—Not later than March 31, 1996, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a plan for the implementation of subsection (a).

### SEC. 1033. ELIMINATION OF 120-DAY LIMITATION ON DETAILS OF CERTAIN EMPLOYEES.

(a) ELIMINATION OF LIMITATION.—Subsection (b) of section 3341 of title 5, United States Code, is amended—

(1) by inserting "(1)" after "(b)"; and

(2) by adding at the end the following:

"(2) The 120-day limitation in paragraph (1) for details and renewals of details does not apply to the Department of Defense in the case of a detail—

"(A) made in connection with the closure or realignment of a military installation pursuant to a base closure law or an organizational restructuring of the Department as part of a reduction in the size of the armed forces or the civilian workforce of the Department; and

"(B) in which the position to which the employee is detailed is eliminated on or before the date of the closure, realignment, or restructuring.

"(c) For purposes of this section—

"(1) the term 'base closure law' means—

"(A) section 2687 of title 10;

"(B) title II of the Defense Authorization Amendments and Base Closure and Realignment Act (10 U.S.C. 2687 note); and

"(C) the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note); and

"(2) the term 'military installation'—

"(A) in the case of an installation covered by section 2687 of title 10, has the meaning given such term in subsection (e)(1) of such section;

"(B) in the case of an installation covered by the Act referred to in subparagraph (B) of paragraph (1), has the meaning given such term in section 209(6) of such Act; and

"(C) in the case of an installation covered by the Act referred to in subparagraph (C) of that paragraph, has the meaning given such term in section 2910(4) of such Act.".

5 USC 3341 note. (b) APPLICABILITY.—The amendments made by subsection (a) apply to details made before the date of the enactment of this Act but still in effect on that date and details made on or after that date.

### SEC. 1034. AUTHORITY FOR CIVILIAN EMPLOYEES OF DEPARTMENT OF DEFENSE TO PARTICIPATE VOLUNTARILY IN REDUCTIONS IN FORCE.

Section 3502 of title 5, United States Code, is amended by adding at the end the following:

"(f)(1) The Secretary of Defense or the Secretary of a military department may—

"(A) release in a reduction in force an employee who volunteers for the release even though the employee is not otherwise subject to release in the reduction in force under the criteria applicable under the other provisions of this section; and

"(B) for each employee voluntarily released in the reduction in force under subparagraph (A), retain an employee in a similar position who would otherwise be released in the reduction in force under such criteria.

"(2) A voluntary release of an employee in a reduction in force pursuant to paragraph (1) shall be treated as an involuntary release in the reduction in force.

"(3) An employee with critical knowledge and skills (as defined by the Secretary concerned) may not participate in a voluntary release under paragraph (1) if the Secretary concerned determines that such participation would impair the performance of the mission of the Department of Defense or the military department concerned.

Regulations. "(4) The regulations prescribed under this section shall incorporate the authority provided in this subsection.

Termination date. "(5) The authority under paragraph (1) may not be exercised after September 30, 1996.".

### SEC. 1035. AUTHORITY TO PAY SEVERANCE PAYMENTS IN LUMP SUMS.

Section 5595 of title 5, United States Code, is amended by adding at the end the following:

"(i)(1) In the case of an employee of the Department of Defense who is entitled to severance pay under this section, the Secretary of Defense or the Secretary of the military department concerned may, upon application by the employee, pay the total amount of the severance pay to the employee in one lump sum.

"(2)(A) If an employee paid severance pay in a lump sum under this subsection is reemployed by the Government of the United States or the government of the District of Columbia at such time that, had the employee been paid severance pay in regular pay periods under subsection (b), the payments of such pay would have been discontinued under subsection (d) upon such reemployment, the employee shall repay to the Department of Defense (for the military department that formerly employed the employee, if applicable) an amount equal to the amount of severance pay to which the employee was entitled under this section that would not have been paid to the employee under subsection (d) by reason of such reemployment.

"(B) The period of service represented by an amount of severance pay repaid by an employee under subparagraph (A) shall be considered service for which severance pay has not been received by the employee under this section.

"(C) Amounts repaid to an agency under this paragraph shall be credited to the appropriation available for the pay of employees of the agency for the fiscal year in which received. Amounts so credited shall be merged with, and shall be available for the same purposes and the same period as, the other funds in that appropriation.

"(3) If an employee fails to repay to an agency an amount required to be repaid under paragraph (2)(A), that amount is recoverable from the employee as a debt due the United States.

Applicability.

"(4) This subsection applies with respect to severance pay payable under this section for separations taking effect on or after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1996 and before October 1, 1999.".

## SEC. 1036. CONTINUED HEALTH INSURANCE COVERAGE.

Section 8905a(d)(4) of title 5, United States Code, is amended—

(1) in subparagraph (A), by inserting ", or a voluntary separation from a surplus position," after "an involuntary separation from a position"; and

(2) by adding at the end the following new subparagraph:

"(C) For the purpose of this paragraph, 'surplus position' means a position which is identified in pre-reduction-in-force planning as no longer required, and which is expected to be eliminated under formal reduction-in-force procedures.".

## SEC. 1037. REVISION OF AUTHORITY FOR APPOINTMENTS OF INVOLUNTARILY SEPARATED MILITARY RESERVE TECHNICIANS.

(a) REVISION OF AUTHORITY.—Section 3329 of title 5, United States Code, as added by section 544 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2415), is amended—

(1) in subsection (b), by striking out "be offered" and inserting in lieu thereof "be provided placement consideration in a position described in subsection (c) through a priority placement program of the Department of Defense"; and

(2) by striking out subsection (c) and inserting in lieu thereof the following new subsection (c):

"(c)(1) The position for which placement consideration shall be provided to a former military technician under subsection (b) shall be a position—

"(A) in either the competitive service or the excepted service;

"(B) within the Department of Defense; and

"(C) in which the person is qualified to serve, taking into consideration whether the employee in that position is required to be a member of a reserve component of the armed forces as a condition of employment.

"(2) To the maximum extent practicable, the position shall also be in a pay grade or other pay classification sufficient to ensure that the rate of basic pay of the former military technician, upon appointment to the position, is not less than the rate of basic pay last received by the former military technician for technician service before separation.".

(b) TECHNICAL AND CLERICAL AMENDMENTS.—(1) The section 3329 of title 5, United States Code, that was added by section 4431 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2719) is redesignated as section 3330 of such title.

(2) The table of sections at the beginning of chapter 33 of such title is amended by striking out the item relating to section 3329, as added by section 4431(b) of such Act (106 Stat. 2720), and inserting in lieu thereof the following new item:

"3330. Government-wide list of vacant positions.".

## SEC. 1038. WEARING OF UNIFORM BY NATIONAL GUARD TECHNICIANS.

(a) REQUIREMENT.—Section 709(b) of title 32, United States Code, is amended to read as follows:

"(b) Except as prescribed by the Secretary concerned, a technician employed under subsection (a) shall, while so employed—

"(1) be a member of the National Guard;

"(2) hold the military grade specified by the Secretary concerned for that position; and

"(3) wear the uniform appropriate for the member's grade and component of the armed forces while performing duties as a technician.".

(b) UNIFORM ALLOWANCES FOR OFFICERS.—Section 417 of title 37, United States Code, is amended by adding at the end the following:

"(d)(1) For purposes of sections 415 and 416 of this title, a period for which an officer of an armed force, while employed as a National Guard technician, is required to wear a uniform under section 709(b) of title 32 shall be treated as a period of active duty (other than for training).

"(2) A uniform allowance may not be paid, and uniforms may not be furnished, to an officer under section 1593 of title 10 or section 5901 of title 5 for a period of employment referred to in paragraph (1) for which an officer is paid a uniform allowance under section 415 or 416 of this title.".

(c) CLOTHING OR ALLOWANCES FOR ENLISTED MEMBERS.—Section 418 of title 37, United States Code, is amended—

(1) by inserting "(a)" before "The President"; and

(2) by adding at the end the following:

Regulations.
President.

"(b) In determining the quantity and kind of clothing or allowances to be furnished pursuant to regulations prescribed under this section to persons employed as National Guard technicians under section 709 of title 32, the President shall take into account the requirement under subsection (b) of such section for such persons to wear a uniform.

"(c) A uniform allowance may not be paid, and uniforms may not be furnished, under section 1593 of title 10 or section 5901 of title 5 to a person referred to in subsection (b) for a period of employment referred to in that subsection for which a uniform allowance is paid under section 415 or 416 of this title.".

## SEC. 1039. MILITARY LEAVE FOR MILITARY RESERVE TECHNICIANS FOR CERTAIN DUTY OVERSEAS.

Section 6323 of title 5, United States Code, is amended by adding at the end the following new subsection:

"(d)(1) A military reserve technician described in section 8401(30) is entitled at such person's request to leave without loss of, or reduction in, pay, leave to which such person is otherwise entitled, credit for time or service, or performance or efficiency rating for each day, not to exceed 44 workdays in a calendar year, in which such person is on active duty without pay, as authorized pursuant to section 12315 of title 10, under section 12301(b) or 12301(d) of title 10 (other than active duty during a war or national emergency declared by the President or Congress) for participation in noncombat operations outside the United States, its territories and possessions.

"(2) An employee who requests annual leave or compensatory time to which the employee is otherwise entitled, for a period during which the employee would have been entitled upon request to leave under this subsection, may be granted such annual leave or compensatory time without regard to this section or section 5519.".

## SEC. 1040. PERSONNEL ACTIONS INVOLVING EMPLOYEES OF NONAPPROPRIATED FUND INSTRUMENTALITIES.

(a) CLARIFICATION OF DEFINITION OF NONAPPROPRIATED FUND INSTRUMENTALITY EMPLOYEE.—Subsection (a)(1) of section 1587 of title 10, United States Code, is amended by adding at the end the following new sentence: "Such term includes a civilian employee of a support organization within the Department of Defense or a military department, such as the Defense Finance and Accounting Service, who is paid from nonappropriated funds on account of the nature of the employee's duties.".

(b) DIRECT REPORTING OF VIOLATIONS.—Subsection (e) of such section is amended in the second sentence by inserting before the period the following: "and to permit the reporting of alleged violations of subsection (b) directly to the Inspector General of the Department of Defense".

(c) TECHNICAL AMENDMENT.—Subsection (a)(1) of such section is further amended by striking out "Navy Resale and Services Support Office" and inserting in lieu thereof "Navy Exchange Service Command".

(d) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

**"§ 1587. Employees of nonappropriated fund instrumentalities: reprisals".**

(2) The item relating to such section in the table of sections at the beginning of chapter 81 of such title is amended to read as follows:

"1587. Employees of nonappropriated fund instrumentalities: reprisals.".

## SEC. 1041. COVERAGE OF NONAPPROPRIATED FUND EMPLOYEES UNDER AUTHORITY FOR FLEXIBLE AND COMPRESSED WORK SCHEDULES.

Paragraph (2) of section 6121 of title 5, United States Code, is amended to read as follows:

"(2) 'employee' has the meaning given the term in subsection (a) of section 2105 of this title, except that such term also includes an employee described in subsection (c) of that section;".

10 USC 1587 note.

### SEC. 1042. LIMITATION ON PROVISION OF OVERSEAS LIVING QUARTERS ALLOWANCES FOR NONAPPROPRIATED FUND INSTRUMENTALITY EMPLOYEES.

(a) CONFORMING ALLOWANCE TO ALLOWANCES FOR OTHER CIVILIAN EMPLOYEES.—Subject to subsection (b), an overseas living quarters allowance paid from nonappropriated funds and provided to a nonappropriated fund instrumentality employee after the date of the enactment of this Act may not exceed the amount of a quarters allowance provided under subchapter III of chapter 59 of title 5 to a similarly situated civilian employee of the Department of Defense paid from appropriated funds.

(b) APPLICATION TO CERTAIN CURRENT EMPLOYEES.—In the case of a nonappropriated fund instrumentality employee who, as of the date of the enactment of this Act, receives an overseas living quarters allowance under any other authority, subsection (a) shall apply to such employee only after the earlier of—

(1) September 30, 1997; or

(2) the date on which the employee otherwise ceases to be eligible for such an allowance under such other authority.

(c) NONAPPROPRIATED FUND INSTRUMENTALITY EMPLOYEE DEFINED.—For purposes of this section, the term “nonappropriated fund instrumentality employee” has the meaning given such term in section 1587(a)(1) of title 10, United States Code.

### SEC. 1043. ELECTIONS RELATING TO RETIREMENT COVERAGE.

(a) IN GENERAL.—

(1) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8347(q) of title 5, United States Code, is amended—

(A) in paragraph (1)—

(i) by striking “of the Department of Defense or the Coast Guard” in the matter before subparagraph (A); and

(ii) by striking “3 days” and inserting “1 year”; and

(B) in paragraph (2)(C)—

(i) by striking “3 days” and inserting “1 year”; and

(ii) by striking “in the Department of Defense or the Coast Guard, respectively,”.

(2) FEDERAL EMPLOYEES’ RETIREMENT SYSTEM.—Section 8461(n) of title 5, United States Code, is amended—

(A) in paragraph (1)—

(i) by striking “of the Department of Defense or the Coast Guard” in the matter before subparagraph (A); and

(ii) by striking “3 days” and inserting “1 year”; and

(B) in paragraph (2)(C)—

(i) by striking “3 days” and inserting “1 year”; and

(ii) by striking “in the Department of Defense or the Coast Guard, respectively,”.

Notification. 5 USC 8347 note.

(b) REGULATIONS.—Not later than 6 months after the date of the enactment of this Act, the Office of Personnel Management (and each of the other administrative authorities, within the meaning of subsection (c)(2)(C)(iii)) shall prescribe any regulations (or make any modifications in existing regulations) necessary to carry out this section and the amendments made by this section, including regulations to provide for the notification of individuals who may be affected by the enactment of this section. All regulations (and modifications to regulations) under the preceding sentence shall take effect on the same date. Effective date.

(c) APPLICABILITY; RELATED PROVISIONS.— 5 USC 8347 note.

(1) PROSPECTIVE RULES.—Except as otherwise provided in this subsection, the amendments made by this section shall apply with respect to moves occurring on or after the effective date of the regulations under subsection (b). Moves occurring on or after the date of the enactment of this Act and before the effective date of such regulations shall be subject to applicable provisions of title 5, United States Code, disregarding the amendments made by this section, except that any individual making an election pursuant to this sentence shall be ineligible to make an election otherwise allowable under paragraph (2).

(2) RETROACTIVE RULES.—

(A) IN GENERAL.—The regulations under subsection (b) shall include provisions for the application of sections 8347(q) and 8461(n) of title 5, United States Code, as amended by this section, with respect to any individual who, at any time after December 31, 1965, and before the effective date of such regulations, moved between positions in circumstances that would have qualified such individual to make an election under the provisions of such section 8347(q) or 8461(n), as so amended, if such provisions had then been in effect.

(B) DEADLINE; RELATED PROVISIONS.—An election pursuant to this paragraph—

(i) shall be made within 1 year after the effective date of the regulations under subsection (b), and

(ii) shall have the same force and effect as if it had been timely made at the time of the move,

except that no such election may be made by any individual—

(I) who has previously made, or had an opportunity to make, an election under section 8347(q) or 8461(n) of title 5, United States Code (as in effect before being amended by this section); however, this subclause shall not be considered to render an individual ineligible, based on an opportunity arising out of a move occurring during the period described in the second sentence of paragraph (1), if no election has in fact been made by such individual based on such move;

(II) who has not, since the move on which eligibility for the election is based, remained continuously subject (disregarding any break in service of less than 3 days) to CSRS or FERS or both seriatim (if the move was from a NAFI position) or any retirement system (or 2 or more such systems seriatim) established for employees described in section 2105(c) of such title (if the move was to a NAFI position); or

(III) if such election would be based on a move to the Civil Service Retirement System from a retirement system established for employees described in section 2105(c) of such title.

(C) TRANSFERS OF CONTRIBUTIONS.—

(i) IN GENERAL.—If an individual makes an election under this paragraph to be transferred back to a retirement system in which such individual previously participated (in this section referred to as the "previous system"), all individual contributions (including interest) and Government contributions to the retirement system in which such individual is then currently participating (in this section referred to as the "current system"), excluding those made to the Thrift Savings Plan or any other defined contribution plan, which are attributable to periods of service performed since the move on which the election is based, shall be paid to the fund, account, or other repository for contributions made under the previous system. For purposes of this section, the term "current system" shall be considered also to include any retirement system (besides the one in which the individual is participating at the time of making the election) in which such individual previously participated since the move on which the election is based.

(ii) CONDITION SUBSEQUENT RELATING TO REPAYMENT OF LUMP-SUM CREDIT.—In the case of an individual who has received such individual's lump-sum credit (within the meaning of section 8401(19) of title 5 United States Code, or a similar payment) from such individual's previous system, the payment described in clause (i) shall not be made (and the election to which it relates shall be ineffective) unless such lump-sum credit is redeposited or otherwise paid at such time and in such manner as shall be required under applicable regulations. Regulations to carry out this clause shall include provisions for the computation o interest (consistent with section 8334(e) (2) and (3 of title 5, United States Code), if no provisions for such computation otherwise exist.

(iii) CONDITION SUBSEQUENT RELATING TO DEFICIENCY IN PAYMENTS RELATIVE TO AMOUNTS NEEDED TO ENSURE THAT BENEFITS ARE FULLY FUNDED.—

(I) IN GENERAL.—Except as provided in subclause (II), the payment described in clause (i) shall not be made (and the election to which it relates shall be ineffective) if the actuaria present value of the future benefits that would be payable under the previous system with respec to service performed by such individual after the move on which the election under this paragraph is based and before the effective date of the election, exceeds the total amounts required to be transferred to the previous system under the preceding provisions of this subparagraph with respect to such service, as determined by the authority administering such previous system (in this section referred to as the "administrative authority").

(II) PAYMENT OF DEFICIENCY.—A determination of a deficiency under this clause shall no render an election ineffective if the individual pays or arranges to pay, at a time and in a manner satisfactory to such administrative authority, the full amount of the deficiency described in subclause (I).

(D) ALTERNATIVE ELECTION FOR AN INDIVIDUAL THEN PARTICIPATING IN FERS.—

(i) APPLICABILITY.—This subparagraph applies with respect to any individual who—

(I) is then currently participating in FERS; and

(II) would then otherwise be eligible to make an election under subparagraphs (A) through (C) of this paragraph, determined disregarding the matter in subclause (I) of subparagraph (B) before the first semicolon therein.

(ii) ELECTION.—An individual described in clause (i) may, instead of making an election for which such individual is otherwise eligible under this paragraph, elect to have all prior qualifying NAFI service of such individual treated as creditable service for purposes of any annuity under FERS payable out of the Civil Service Retirement and Disability Fund.

(iii) QUALIFYING NAFI SERVICE.—For purposes of this subparagraph, the term "qualifying NAFI service" means any service which, but for this subparagraph, would be creditable for purposes of any retirement system established for employees described in section 2105(c) of title 5, United States Code.

(iv) SERVICE CEASES TO BE CREDITABLE FOR NAFI RETIREMENT SYSTEM PURPOSES.—Any qualifying NAFI service that becomes creditable for FERS purposes by virtue of an election made under this subparagraph shall not be creditable for purposes of any retirement system referred to in clause (iii).

(v) CONDITIONS.—An election under this subparagraph shall be subject to requirements, similar to those set forth in subparagraph (C), to ensure that—

(I) appropriate transfers of individual and Government contributions are made to the Civil Service Retirement and Disability Fund; and

(II) the actuarial present value of future benefits under FERS attributable to service made creditable by such election is fully funded.

(E) ALTERNATIVE ELECTION FOR AN INDIVIDUAL THEN PARTICIPATING IN A NAFI RETIREMENT SYSTEM.—

(i) APPLICABILITY.—This subparagraph applies with respect to any individual who—

(I) is then currently participating in any retirement system established for employees described in section 2105(c) of title 5, United States Code (in this subparagraph referred to as a "NAFI retirement system"); and

(II) would then otherwise be eligible to make an election under subparagraphs (A) through (C) of this paragraph (determined disregarding the matter in subclause (I) of subparagraph (B) before the first semicolon therein) based on a move from FERS.

(ii) ELECTION.—An individual described in clause (i) may, instead of making an election for which such individual is otherwise eligible under this paragraph, elect to have all prior qualifying FERS service of such individual treated as creditable service for purposes of determining eligibility for benefits under a NAFI retirement system, but not for purposes of computing the amount of any such benefits except as provided in clause (v)(II).

(iii) QUALIFYING FERS SERVICE.—For purposes of this subparagraph, the term "qualifying FERS service" means any service which, but for this subparagraph, would be creditable for purposes of the Federal Employees' Retirement System.

(iv) SERVICE CEASES TO BE CREDITABLE FOR PURPOSES OF FERS.—Any qualifying FERS service that becomes creditable for NAFI purposes by virtue of an election made under this subparagraph shall not be creditable for purposes of the Federal Employees' Retirement System.

(v) FUNDING REQUIREMENTS.—

(I) IN GENERAL.—Except as provided in subclause (II), nothing in this section or in any other provision of law or any other authority shall be considered to require any payment or transfer of monies in order for an election under this subparagraph to be effective.

(II) CONTRIBUTION REQUIRED ONLY IF INDIVIDUAL ELECTS TO HAVE SERVICE MADE CREDITABLE FOR COMPUTATION PURPOSES AS WELL.—Under regulations prescribed by the appropriate administrative authority, an individual making an election under this subparagraph may further elect to have the qualifying FERS service made creditable for computation purposes under a NAFI retirement system, but only if the individual pays or arranges to pay, at a time and in a manner satisfactory to such administrative authority, the amount necessary to fully fund the actuarial present value of future benefits under the NAFI retirement system attributable to the qualifying FERS service

(3) INFORMATION.—The regulations under subsection (b) shall include provisions under which any individual—

(A) shall, upon request, be provided information or assistance in determining whether such individual is eligible to make an election under paragraph (2) and, if so, the exact amount of any payment which would be required of such individual in connection with any such election; and

(B) may seek any other information or assistance relating to any such election.

(d) CREDITABILITY OF NAFI SERVICE FOR RIF PURPOSES.—

(1) IN GENERAL.—Clause (ii) of section 3502(a)(C) of title 5, United States Code, is amended by striking "January 1 1987" and inserting "January 1, 1966".

(2) EFFECTIVE DATE.—Notwithstanding any provision of subsection (c), the amendment made by paragraph (1) shall— 5 USC 3502 note.

(A) take effect on the date of the enactment of this Act; and

(B) apply with respect to any reduction in force carried out on or after such date.

### SEC. 1044. EXTENSION OF TEMPORARY AUTHORITY TO PAY CIVILIAN EMPLOYEES WITH RESPECT TO THE EVACUATION FROM GUANTANAMO, CUBA.

(a) EXTENSION OF AUTHORITY.—The Secretary of Defense may, until the end of January 31, 1996, and without regard to the time limitations specified in subsection (a) of section 5523 of title 5, United States Code, make payments under the provisions of such section from funds available for the pay of civilian personnel in the case of employees, or an employee's dependents or immediate family, evacuated from Guantanamo Bay, Cuba, pursuant to the August 26, 1994 order of the Secretary. This section shall take effect as of October 1, 1995, and shall apply with respect to payments made for periods occurring on or after that date. Effective date. Applicability.

(b) MONTHLY REPORT.—On the first day of each month beginning after the date of the enactment of this Act and ending before March 1996, the Secretary of the Navy shall transmit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report regarding the payment of employees pursuant to subsection (a). Each such report shall include, for the month preceding the month in which the report is transmitted, a statement of the following:

(1) The number of the employees paid pursuant to such section.

(2) The positions of employment of the employees.

(3) The number and location of the employees' dependents and immediate families.

(4) The actions taken by the Secretary to eliminate the conditions which necessitated the payments.

## Subtitle E—Miscellaneous Reporting Requirements

### SEC. 1051. REPORT ON FISCAL YEAR 1997 BUDGET SUBMISSION REGARDING GUARD AND RESERVE COMPONENTS.

(a) REPORT.—The Secretary of Defense shall submit to the congressional defense committees, at the same time that the President submits the budget for fiscal year 1997 under section 1105(a) of title 31, United States Code, a report on amounts requested in that budget for the Guard and Reserve components.

(b) CONTENT.—The report shall include the following:

(1) A description of the anticipated effect that the amounts requested (if approved by Congress) will have to enhance the capabilities of each of the Guard and Reserve components.

(2) A listing, with respect to each such component, of each of the following:

(A) The amount requested for each major weapon system for which funds are requested in the budget for that component.

(B) The amount requested for each item of equipment (other than a major weapon system) for which funds are requested in the budget for that component.

(C) The amount requested for each military construction project, together with the location of each such project, for which funds are requested in the budget for that component.

(c) INCLUSION OF INFORMATION IN NEXT FYDP.—The Secretary of Defense shall specifically display in the next future-years defense program (or program revision) submitted to Congress after the date of the enactment of this Act the amounts programmed for procurement of equipment and for military construction for each of the Guard and Reserve components.

(d) DEFINITION.—For purposes of this section, the term "Guard and Reserve components" means the following:

(1) The Army Reserve.
(2) The Army National Guard of the United States.
(3) The Naval Reserve.
(4) The Marine Corps Reserve.
(5) The Air Force Reserve.
(6) The Air National Guard of the United States.

## SEC. 1052. REPORT ON DESIRABILITY AND FEASIBILITY OF PROVIDING AUTHORITY FOR USE OF FUNDS DERIVED FROM RECOVERED LOSSES RESULTING FROM CONTRACTOR FRAUD.

(a) REPORT.—Not later than April 1, 1996, the Secretary o Defense shall submit to Congress a report on the desirability and feasibility of authorizing by law the retention and use by the Department of Defense of a specified portion (not to exceed three percent) of amounts recovered by the Government during any fisca year from losses and expenses incurred by the Department of Defense as a result of contractor fraud at military installations.

(b) MATTERS TO BE INCLUDED.—The report shall include the views of the Secretary of Defense regarding—

(1) the degree to which such authority would create enhanced incentives for the discovery, investigation, and resolution of contractor fraud at military installations; and

(2) the appropriate allocation for funds that would be available for expenditure pursuant to such authority.

## SEC. 1053. REPORT OF NATIONAL POLICY ON PROTECTING THE NATIONAL INFORMATION INFRASTRUCTURE AGAINST STRATEGIC ATTACKS.

President.

Not later than 120 days after the date of the enactment o this Act, the President shall submit to Congress a report setting forth the results of a review of the national policy on protecting the national information infrastructure against strategic attacks The report shall include the following:

(1) A description of the national policy and architectur governing the plans for establishing procedures, capabilities systems, and processes necessary to perform indications, warning, and assessment functions regarding strategic attacks b foreign nations, groups, or individuals, or any other entit against the national information infrastructure.

(2) An assessment of the future of the National Communications System (NCS), which has performed the central role i ensuring national security and emergency preparednes

communications for essential United States Government and private sector users, including a discussion of—

(A) whether there is a Federal interest in expanding or modernizing the National Communications System in light of the changing strategic national security environment and the revolution in information technologies; and

(B) the best use of the National Communications System and the assets and experience it represents as an integral part of a larger national strategy to protect the United States against a strategic attack on the national information infrastructure.

### SEC. 1054. REPORT ON DEPARTMENT OF DEFENSE BOARDS AND COMMISSIONS.

(a) STUDY.—The Secretary of Defense shall conduct a study of the boards and commissions described in subsection (c). As part of such study, the Secretary shall determine, with respect to each such board or commission that received support from the Department of Defense during fiscal year 1995, whether that board or commission merits continued support from the Department.

(b) REPORT.—Not later than April 1, 1996, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the results of the study. The report shall include the following:

(1) A list of each board and commission described in subsection (c) that received support from the Department of Defense during fiscal year 1995.

(2) With respect to the boards and commissions specified on the list under paragraph (1)—

(A) a list of each such board or commission concerning which the Secretary determined under subsection (a) that continued support from the Department of Defense is merited; and

(B) a list of each such board or commission concerning which the Secretary determined under subsection (a) that continued support from the Department if not merited.

(3) For each board and commission specified on the list under paragraph (2)(A), a description of—

(A) the purpose of the board or commission;

(B) the nature and cost of the support provided by the Department to the board or commission during fiscal year 1995;

(C) the nature and duration of the support that the Secretary proposes to provide to the board or commission;

(D) the anticipated cost to the Department of providing such support; and

(E) a justification of the determination that the board or commission merits the continued support of the Department.

(4) For each board and commission specified on the list under paragraph (2)(B), a description of—

(A) the purpose of the board or commission;

(B) the nature and cost of the support provided by the Department to the board or commission during fiscal year 1995; and

(C) a justification of the determination that the board or commission does not merit the continued support o the Department.

(c) COVERED BOARDS AND COMMISSIONS.—Subsection (a) applies to any board or commission (including any board or commission authorized by law) that operates within or for the Department of Defense and that—

(1) provides only policy-making assistance or advisory services for the Department; or

(2) carries out only activities that are not routine activities, on-going activities, or activities necessary to the routine, on-going operations of the Department.

(d) SUPPORT DEFINED.—For purposes of this section, the term "support" includes the provision of any of the following:

(1) Funds.

(2) Equipment, materiel, or other assets.

(3) Services of personnel.

### SEC. 1055. DATE FOR SUBMISSION OF ANNUAL REPORT ON SPECIA ACCESS PROGRAMS.

Section 119(a) of title 10, United States Code, is amende by striking out "February 1" and inserting in lieu thereo "March 1".

## Subtitle F—Repeal of Certain Reporting and Other Requirements and Authorities

### SEC. 1061. REPEAL OF MISCELLANEOUS PROVISIONS OF LAW.

(a) VOLUNTEERS INVESTING IN PEACE AND SECURITY PROGRAM.—(1) Chapter 89 of title 10, United States Code, is repealed.

10 USC 1801 *et seq.*

(2) The tables of chapters at the beginning of subtitle A, an at the beginning of part II of subtitle A, of such title are eac amended by striking out the item relating to chapter 89.

(b) SECURITY AND CONTROL OF SUPPLIES.—(1) Chapter 171 of such title is repealed.

10 USC 2891 *et seq.*

(2) The tables of chapters at the beginning of subtitle A, an at the beginning of part IV of subtitle A, of such title are eac amended by striking out the item relating to chapter 171.

(c) ANNUAL AUTHORIZATION OF MILITARY TRAINING STUDEN LOADS.—Section 115 of such title is amended—

(1) in subsection (a), by striking out paragraph (3);

(2) in subsection (b)—

(A) by inserting "or" at the end of paragraph (1);

(B) by striking out "; or" at the end of paragrap (2) and inserting in lieu thereof a period; and

(C) by striking out paragraph (3); and

(3) by striking out subsection (f).

(d) PORTIONS OF ANNUAL MANPOWER REQUIREMENTS REPORT.—Section 115a of such title is amended—

(1) in subsection (b)(2), by striking out subparagraph (C)

(2) by striking out subsection (d);

(3) by redesignating subsection (e) as subsection (d) an striking out paragraphs (4) and (5) thereof;

(4) by striking out subsection (f); and

(5) by redesignating subsection (g) as subsection (e).

(e) OBSOLETE AUTHORITY FOR PAYMENT OF STIPENDS FOR MEM-ERS OF CERTAIN ADVISORY COMMITTEES AND BOARDS OF VISITORS F SERVICE ACADEMIES.—(1) The second sentence of each of sections 73(b) and 174(b) of such title is amended to read as follows: Other members and part-time advisers shall (except as otherwise pecifically authorized by law) serve without compensation for such ervice.”.

(2) Sections 4355(h), 6968(h), and 9355(h) of such title are mended by striking out “is entitled to not more than $5 a day nd”.

(f) ANNUAL BUDGET INFORMATION CONCERNING RECRUITING COSTS.—(1) Section 227 of such title is repealed.

(2) The table of sections at the beginning of chapter 9 of uch title is amended by striking out the item relating to section 27.

(g) EXPIRED AUTHORITY RELATING TO PEACEKEEPING ACTIVI-IES.—(1) Section 403 of such title is repealed.

(2) The table of sections at the beginning of subchapter I f chapter 20 of such title is amended by striking out the item elating to section 403.

(h) PROCUREMENT OF GASOHOL FOR DEPARTMENT OF DEFENSE MOTOR VEHICLES.—(1) Subsection (a) of section 2398 of such title s repealed.

(2) Such section is further amended—

(A) by redesignating subsections (b) and (c) as subsections (a) and (b), respectively; and

(B) in subsection (b), as so redesignated, by striking out “subsection (b)” and inserting in lieu thereof “subsection (a)”.

(i) REQUIREMENT OF NOTICE OF CERTAIN DISPOSALS AND GIFTS BY SECRETARY OF NAVY.—Section 7545 of such title is amended—

(1) by striking out subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

(j) ANNUAL REPORT ON BIOLOGICAL DEFENSE RESEARCH PRO-GRAM.—(1) Section 2370 of such title is repealed.

(2) The table of sections at the beginning of chapter 139 of uch title is amended by striking out the item relating to such ection.

(k) REPORTS AND NOTIFICATIONS RELATING TO CHEMICAL AND BIOLOGICAL AGENTS.—Subsection (a) of section 409 of Public Law 91–121 (50 U.S.C. 1511) is repealed.

(l) ANNUAL REPORT ON BALANCED TECHNOLOGY INITIATIVE.—Subsection (e) of section 211 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1394) is repealed.

10 USC 113 note.

(m) REPORT ON ENVIRONMENTAL RESTORATION COSTS FOR NSTALLATIONS TO BE CLOSED UNDER 1990 BASE CLOSURE LAW.—Section 2827 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 10 U.S.C. 2687 note) s amended by striking out subsection (b).

(n) LIMITATION ON AMERICAN DIPLOMATIC FACILITIES IN GER-MANY.—Section 1432 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1833) is repealed.

### SEC. 1062. REPORTS REQUIRED BY TITLE 10, UNITED STATES CODE.

(a) ANNUAL REPORT ON RELOCATION ASSISTANCE PROGRAMS.—Section 1056 of title 10, United States Code, is amended—

(1) by striking out subsection (f); and

(2) by redesignating subsection (g) as subsection (f).

(b) Notice of Salary Increases for Foreign Natio Employees.—Section 1584 of such title is amended—

(1) by striking out subsection (b); and

(2) in subsection (a), by striking out “(a) Waiver Employment Restrictions for Certain Personnel.—”.

(c) Notice Regarding Contracts Performed for Peric Exceeding 10 Years.—(1) Section 2352 of such title is repeal

(2) The table of sections at the beginning of chapter 139 such title is amended by striking out the item relating to sect 2352.

(d) Report on Low-Rate Production Under Naval Vess and Military Satellite Programs.—Section 2400(c) of such ti is amended—

(1) by striking out paragraph (2); and

(2) in paragraph (1)—

(A) by striking out “(1)”; and

(B) by redesignating clauses (A) and (B) as clau (1) and (2), respectively.

(e) Report on Waivers of Prohibition on Employment Felons.—Section 2408(a)(3) of such title is amended by strik out the second sentence.

(f) Report on Determination Not To Debar for Fraudule Use of Labels.—Section 2410f(a) of such title is amended striking out the second sentence.

(g) Notice of Military Construction Contracts on Guam Section 2864(b) of such title is amended by striking out “af the 21-day period” and all that follows through “determinatio

## SEC. 1063. REPORTS REQUIRED BY DEFENSE AUTHORIZATION A APPROPRIATIONS ACTS.

(a) Public Law 99–661 Requirement for Report on Fundi for Nicaraguan Democratic Resistance.—Section 1351 of National Defense Authorization Act for Fiscal Year 1987 (Pu Law 99–661; 100 Stat. 3995; 10 U.S.C. 114 note) is amende

(1) by striking out subsection (b); and

(2) in subsection (a), by striking out “ Limitation.—”.

(b) Annual Report on Overseas Military Facility Inve ment Recovery Account.—Section 2921 of the Military Constr tion Authorization Act for Fiscal Year 1991 (division B of Pu Law 101–510; 10 U.S.C. 2687 note) is amended—

(1) by striking out subsection (f); and

(2) by redesignating subsections (g) and (h) as subsecti (f) and (g), respectively.

(c) Science, Mathematics, and Engineering Education M ter Plan.—Section 829 of the National Defense Authorization for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 S 1444; 10 U.S.C. 2192 note) is repealed.

(d) Report Regarding Heating Facility Modernization Kaiserslautern.—Section 8008 of the Department of Defe Appropriations Act, 1994 (Public Law 103–139; 107 Stat. 14 is amended by inserting “but without regard to the notificat requirement in subsection (b)(2) of such section,” after “sect 2690 of title 10, United States Code,”.

### SEC. 1064. REPORTS REQUIRED BY OTHER PROVISIONS OF LAW.

(a) REQUIREMENT UNDER ARMS EXPORT CONTROL ACT FOR QUARTERLY REPORT ON PRICE AND AVAILABILITY ESTIMATES.—Section 28 of the Arms Export Control Act (22 U.S.C. 2768) is repealed.

(b) ANNUAL REPORT ON NATIONAL SECURITY AGENCY EXECUTIVE PERSONNEL.—Section 12(a) of the National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by striking out paragraph (5).

(c) REPORTS CONCERNING CERTAIN FEDERAL CONTRACTING AND FINANCIAL TRANSACTIONS.—Section 1352 of title 31, United States Code, is amended—

(1) in subsection (b)(6)(A), by inserting "(other than the Secretary of Defense and Secretary of a military department)" after "The head of each agency"; and

(2) in subsection (d)(1), by inserting "(other than in the case of the Department of Defense or a military department)" after "paragraph (3) of this subsection".

(d) ANNUAL REPORT ON WATER RESOURCES PROJECT AGREEMENTS.—Section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b) is amended—

(1) by striking out subsection (e); and

(2) by redesignating subsection (f) as subsection (e).

(e) ANNUAL REPORT ON CONSTRUCTION OF TENNESSEE-TOMBIGBEE WATERWAY.—Section 185 of the Water Resources Development Act of 1976 (33 U.S.C. 544c) is amended by striking out the second sentence.

(f) ANNUAL REPORT ON MONITORING OF NAVY HOME PORT WATERS.—Section 7 of the Organotin Antifouling Paint Control Act of 1988 (33 U.S.C. 2406) is amended—

(1) by striking out subsection (d); and

(2) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

## Subtitle G—Department of Defense Education Programs

### SEC. 1071. CONTINUATION OF UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES.

10 USC 2112 note.

(a) POLICY.—Congress reaffirms—

(1) the prohibition set forth in subsection (a) of section 922 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2829; 10 U.S.C. 2112 note) regarding closure of the Uniformed Services University of the Health Sciences; and

(2) the expression of the sense of Congress set forth in subsection (b) of such section regarding the budgetary commitment to continuation of the University.

(b) PERSONNEL STRENGTH.—During the five-year period beginning on October 1, 1995, the personnel staffing levels for the Uniformed Services University of the Health Sciences may not be reduced below the personnel staffing levels for the University as of October 1, 1993.

(c) BUDGETARY COMMITMENT TO CONTINUATION.—It is the sense of Congress that the Secretary of Defense should budget for the operation of the Uniformed Services University of the Health

Sciences during fiscal year 1997 at a level at least equal to t level of operations conducted at the University during fiscal ye 1995.

### SEC. 1072. ADDITIONAL GRADUATE SCHOOLS AND PROGRAMS AT U FORMED SERVICES UNIVERSITY OF THE HEAL SCIENCES.

(a) Additional Schools and Programs.—Subsection (h) section 2113 of title 10, United States Code, is amended to re as follows:

"(h) The Secretary of Defense may establish the following ed cational programs at the University:

"(1) Postdoctoral, postgraduate, and technologic institutes.

"(2) A graduate school of nursing.

"(3) Other schools or programs that the Secretary det mines necessary in order to operate the University in a co effective manner.".

(b) Conforming Amendments To Reflect Advisory Natu of Board of Regents.—(1) Section 2112(b) of such title is amend by striking out ", upon recommendation of the Board of Regents

(2) Section 2113 of such title is amended—

(A) in subsection (a)—

(i) by striking out "a Board of Regents (hereinaf in this chapter referred to as the 'Board')" in the fi sentence and inserting in lieu thereof "the Secretary Defense"; and

(ii) by inserting after the first sentence the followi new sentence: "To assist the Secretary in an advisory cap ity, there is a Board of Regents for the University.";

(B) in subsection (d), by striking out "Board" the fi place it appears and inserting in lieu thereof "Secretary";

(C) in subsection (e), by striking out "of Defense";

(D) in subsection (f)(1), by striking out "of Defense";

(E) in subsection (g)—

(i) by striking out "Board is authorized to" in t first sentence and inserting in lieu thereof "Secretary ma

(ii) by striking out "Board is also authorized to" the third sentence and inserting in lieu thereof "Secreta may"; and

(iii) by striking out "Board may also, subject to t approval of the Secretary of Defense," in the fifth senter and inserting in lieu thereof "Secretary may"; and

(F) by striking out "Board" each place it appears in su sections (f), (i), and (j) and inserting in lieu thereof "Secretar

(3) Section 2114(e)(1) of such title is amended by striking "Board, upon approval of the Secretary of Defense," and inserti in lieu thereof "Secretary of Defense".

(c) Clerical Amendments.—(1) The heading of section 21 of such title is amended to read as follows:

**"§ 2113. Administration of University".**

(2) The item relating to such section in the table of sectio at the beginning of chapter 104 of such title is amended to re as follows:

"2113. Administration of University.".

### EC. 1073. FUNDING FOR ADULT EDUCATION PROGRAMS FOR MILITARY PERSONNEL AND DEPENDENTS OUTSIDE THE UNITED STATES.

Of amounts appropriated pursuant to section 301, $600,000 hall be available to carry out adult education programs, consistent ith the Adult Education Act (20 U.S.C. 1201 et seq.), for the ollowing:

(1) Members of the Armed Forces who are serving in locations—

(A) that are outside the United States; and

(B) for which amounts are not required to be allotted under section 313(b) of such Act (20 U.S.C. 1201b(b)).

(2) The dependents of such members.

### EC. 1074. ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) CONTINUATION OF DEPARTMENT OF DEFENSE PROGRAM FOR ISCAL YEAR 1996.—(1) Of the amounts authorized to be appropriated in section 301(5)—

(A) $30,000,000 shall be available for providing educational agencies assistance (as defined in paragraph (4)(A)) to local educational agencies; and

(B) $5,000,000 shall be available for making educational agencies payments (as defined in paragraph (4)(B)) to local educational agencies.

Notification.

(2) Not later than June 30, 1996, the Secretary of Defense hall—

(A) notify each local educational agency that is eligible for educational agencies assistance for fiscal year 1996 of that agency's eligibility for such assistance and the amount of such assistance for which that agency is eligible; and

(B) notify each local educational agency that is eligible for an educational agencies payment for fiscal year 1996 of that agency's eligibility for such payment and the amount of the payment for which that agency is eligible.

(3) The Secretary of Defense shall disburse funds made available under subparagraphs (A) and (B) of paragraph (1) not later han 30 days after the date on which notification to the eligible ocal educational agencies is provided pursuant to paragraph (2).

(4) In this section:

(A) The term "educational agencies assistance" means assistance authorized under subsection (b) of section 386 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 20 U.S.C. 238 note).

(B) The term "educational agencies payments" means payments authorized under subsection (d) of that section, as amended by subsection (d).

(b) SPECIAL RULE FOR 1994 PAYMENTS.—The Secretary of Eduation shall not consider any payment to a local educational agency y the Department of Defense, that is available to such agency or current expenditures and used for capital expenses, as funds vailable to such agency for purposes of making a determination or fiscal year 1994 under section 3(d)(2)(B)(i) of the Act of Septemer 30, 1950 (Public Law 874, 81st Congress) (as such Act was n effect on September 30, 1994).

20 USC 7703 note. (c) REDUCTION IN IMPACT THRESHOLD.—Subsection (c)(1) of s tion 386 of the National Defense Authorization Act for Fiscal Ye 1993 (Public Law 102–484; 20 U.S.C. 238 note) is amended—

(1) by striking out "30 percent" and inserting in lieu ther "20 percent"; and

(2) by striking out "counted under subsection (a) or of section 3 of the Act of September 30, 1950 (Public L 874, Eighty-first Congress; 20 U.S.C. 238)" and inserting lieu thereof "counted under section 8003(a) of the Elementa and Secondary Education Act of 1965 (20 U.S.C. 7703(a

20 USC 7703 note. (d) ADJUSTMENTS RELATED TO BASE CLOSURES A REALIGNMENTS.—Subsection (d) of section 386 of the Natio Defense Authorization Act for Fiscal Year 1993 (Public Law 10 484; 28 U.S.C. 238 note) is amended to read as follows:

"(d) ADJUSTMENTS RELATED TO BASE CLOSURES A REALIGNMENTS.—To assist communities in making adjustme resulting from reductions in the size of the Armed Forces, Secretary of Defense shall, in consultation with the Secretary Education, make payments to local educational agencies that, d ing the period between the end of the school year preceding fiscal year for which the payments are authorized and the beginni of the school year immediately preceding that school year, h an overall reduction of not less than 20 percent in the numl of military dependent students as a result of the closure or reali ment of military installations.".

20 USC 7703 note. (e) EXTENSION OF REPORTING REQUIREMENT.—Subsection (e of section 386 of the National Defense Authorization Act for Fis Year 1993 (Public Law 102–484; 20 U.S.C. 238 note) is amen by striking out "and 1995" and inserting in lieu thereof "19 and 1996".

(f) PAYMENTS FOR ELIGIBLE FEDERALLY CONNECTED CH DREN.—Subsection (f) of section 8003 of the Elementary and Seco ary Education Act of 1965 (20 U.S.C. 7703) is amended—

(1) in paragraph (2)—

(A) in the matter preceding clause (i) of subparagra (A), by striking "only if such agency" and inserting such agency is eligible for a supplementary payment accordance with subparagraph (B) or such agency"; a

(B) by adding at the end the following n subparagraph:

"(D) A local educational agency shall only be eligi to receive additional assistance under this subsection the Secretary determines that—

"(i) such agency is exercising due diligence availing itself of State and other financial assistan and

"(ii) the eligibility of such agency under State l for State aid with respect to the free public educat of children described in subsection (a)(1) and amount of such aid are determined on a basis less favorable to such agency than the basis used determining the eligibility of local educational agenc for State aid, and the amount of such aid, with resp to the free public education of other children in State."; and

(2) in paragraph (3)—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i), by inserting "(other than any amount received under paragraph (2)(B))" after "subsection";

(ii) in subclause (I) of clause (i), by striking "or the average per-pupil expenditure of all the States";

(iii) by amending clause (ii) to read as follows:

"(ii) The Secretary shall next multiply the amount determined under clause (i) by the total number of students in average daily attendance at the schools of the local educational agency."; and

(iv) by amending clause (iii) to read as follows:

"(iii) The Secretary shall next subtract from the amount determined under clause (ii) all funds available to the local educational agency for current expenditures, but shall not so subtract funds provided—

"(I) under this Act; or

"(II) by any department or agency of the Federal Government (other than the Department) that are used for capital expenses."; and

(B) by amending subparagraph (B) to read as follows:

"(B) SPECIAL RULE.—With respect to payments under this subsection for a fiscal year for a local educational agency described in clause (ii) or (iii) of paragraph (2)(A), the maximum amount of payments under this subsection shall be equal to—

"(i) the product of—

"(I) the average per-pupil expenditure in all States multiplied by 0.7, except that such amount may not exceed 125 percent of the average per-pupil expenditure in all local educational agencies in the State; multiplied by

"(II) the number of students described in subparagraph (A) or (B) of subsection (a)(1) for such agency; minus

"(ii) the amount of payments such agency receives under subsections (b) and (d) for such year.".

(g) CURRENT YEAR DATA.—Paragraph (4) of section 8003(f) of such Act (20 U.S.C. 7703(f)) is amended to read as follows:

"(4) CURRENT YEAR DATA.—For purposes of providing assistance under this subsection the Secretary—

"(A) shall use student and revenue data from the fiscal year for which the local educational agency is applying for assistance under this subsection; and

"(B) shall derive the per pupil expenditure amount for such year for the local educational agency's comparable school districts by increasing or decreasing the per pupil expenditure data for the second fiscal year preceding the fiscal year for which the determination is made by the same percentage increase or decrease reflected between the per pupil expenditure data for the fourth fiscal year preceding the fiscal year for which the determination is made and the per pupil expenditure data for such second year.".

(h) TECHNICAL AMENDMENTS TO CORRECT REFERENCES TO REPEALED LAW.—Section 386 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 20 U.S.C. 238 note) is amended—

20 USC 7703 note.

(1) in subsection (e)(2)—

(A) in subparagraph (C), by inserting after "et seq.)," the following: "title VIII of the Elementary and Secondar Education Act of 1965 (20 U.S.C. 7701 et seq.),"; and

(B) in subparagraph (D)(iii), by striking out "unde subsections (a) and (b) of section 3 of such Act (20 U.S.C 238)"; and

(2) in subsection (h)—

(A) in paragraph (1), by striking out "section 1410 of the Elementary and Secondary Education Act of 1965 and inserting in lieu thereof "section 8013(9) of th Elementary and Secondary Education Act of 1965 (2 U.S.C. 7713(9))"; and

(B) by striking out paragraph (3) and inserting i lieu thereof the following new paragraph:

"(3) The term 'State' means each of the 50 States an the District of Columbia.".

### SEC. 1075. SHARING OF PERSONNEL OF DEPARTMENT OF DEFENS DOMESTIC DEPENDENT SCHOOLS AND DEFENSE DEPENDENTS' EDUCATION SYSTEM.

Section 2164(e) of title 10, United States Code, is amende by adding at the end the following:

"(4)(A) The Secretary may, without regard to the provision of any law relating to the number, classification, or compensatio of employees—

"(i) transfer employees from schools established under thi section to schools in the defense dependents' education syste in order to provide the services referred to in subparagrap (B) to such system; and

"(ii) transfer employees from such system to schools established under this section in order to provide such service to those schools.

"(B) The services referred to in subparagraph (A) are th following:

"(i) Administrative services.

"(ii) Logistical services.

"(iii) Personnel services.

"(iv) Such other services as the Secretary consider appropriate.

"(C) Transfers under this paragraph shall extend for such periods as the Secretary considers appropriate. The Secretary shal provide appropriate compensation for employees so transferred.

"(D) The Secretary may provide that the transfer of an employe under this paragraph occur without reimbursement of the schoo or system concerned.

"(E) In this paragraph, the term 'defense dependents' educatio system' means the program established and operated under sectio 1402(a) of the Defense Dependents' Education Act of 1978 (2 U.S.C. 921(a)).".

### SEC. 1076. INCREASE IN RESERVE COMPONENT MONTGOMERY G BILL EDUCATIONAL ASSISTANCE ALLOWANCE WIT RESPECT TO SKILLS OR SPECIALTIES FOR WHICH THER IS A CRITICAL SHORTAGE OF PERSONNEL.

Section 16131 of title 10, United States Code, is amende by adding at the end the following new subsection:

"(j)(1) In the case of a person who has a skill or specialty esignated by the Secretary concerned as a skill or specialty in hich there is a critical shortage of personnel or for which it s difficult to recruit or, in the case of critical units, retain personnel, he Secretary concerned may increase the rate of the educational ssistance allowance applicable to that person to such rate in excess f the rate prescribed under subparagraphs (A) through (D) of ubsection (b)(1) as the Secretary of Defense considers appropriate, ut the amount of any such increase may not exceed $350 per onth.

"(2) In the case of a person who has a skill or specialty desgnated by the Secretary concerned as a skill or specialty in which here is a critical shortage of personnel or for which it is difficult o recruit or, in the case of critical units, retain personnel, who s eligible for educational benefits under chapter 30 (other than ection 3012) of title 38 and who meets the eligibility criteria pecified in subparagraphs (A) and (B) of section 16132(a)(1) of his title, the Secretary concerned may increase the rate of the ducational assistance allowance applicable to that person to such ate in excess of the rate prescribed under section 3015 of title 8 as the Secretary of Defense considers appropriate, but the mount of any such increase may not exceed $350 per month.

Regulations.

"(3) The authority provided by paragraphs (1) and (2) shall e exercised by the Secretaries concerned under regulations precribed by the Secretary of Defense.".

### EC. 1077. DATE FOR ANNUAL REPORT ON RESERVE COMPONENT MONTGOMERY GI BILL EDUCATIONAL ASSISTANCE PROGRAM.

Section 16137 of title 10, United States Code, is amended y striking out "December 15 of each year" and inserting in lieu hereof "March 1 of each year".

### EC. 1078. SCOPE OF EDUCATION PROGRAMS OF COMMUNITY COLLEGE OF THE AIR FORCE.

(a) Limitation to Members of the Air Force.—Section 315(a)(1) of title 10, United States Code, is amended by striking ut "for enlisted members of the armed forces" and inserting in ieu thereof "for enlisted members of the Air Force".

10 USC 9315 note.

(b) Effective Date.—The amendment made by subsection (a) hall apply with respect to enrollments in the Community College f the Air Force after March 31, 1996.

### EC. 1079. AMENDMENTS TO EDUCATION LOAN REPAYMENT PROGRAMS.

(a) General Education Loan Repayment Program.—Section 171(a)(1) of title 10, United States Code, is amended—

(1) by striking out "or" at the end of subparagraph (A);

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following new subparagraph (B):

"(B) any loan made under part D of such title (the William D. Ford Federal Direct Loan Program, 20 U.S.C. 1087a et seq.); or".

(b) Education Loan Repayment Program for Enlisted Memers of Selected Reserve With Critical Specialties.—Section 6301(a)(1) of such title is amended—

(1) by striking out “or” at the end of subparagraph

(2) by redesignating subparagraph (B) as subparagr (C); and

(3) by inserting after subparagraph (A) the following subparagraph (B):

“(B) any loan made under part D of such title (the Will D. Ford Federal Direct Loan Program, 20 U.S.C. 1087a seq.); or”.

(c) Education Loan Repayment Program for Hea Professions Officers Serving in Selected Reserve With W time Critical Medical Skill Shortages.—Section 16302(a such title is amended—

(1) by redesignating paragraphs (2) through (4) as p graphs (3) through (5) respectively; and

(2) by inserting after paragraph (1) the following new p graph (2):

“(2) any loan made under part D of such title (the Will D. Ford Federal Direct Loan Program, 20 U.S.C. 1087a seq.); or”.

## Subtitle H—Other Matters

### SEC. 1081. NATIONAL DEFENSE TECHNOLOGY AND INDUSTRIAL BA DEFENSE REINVESTMENT, AND DEFENSE CONVERS PROGRAMS.

(a) National Security Objectives for National Te nology and Industrial Base.—(1) Section 2501 of title 10, Un States Code, is amended—

(A) in subsection (a)—

(i) by striking out “Defense Policy” in the subsec heading and inserting in lieu thereof “National Securi and

(ii) by striking out paragraph (5);

(B) by striking out subsection (b); and

(C) by redesignating subsection (c) as subsection (b).

(2) The heading of such section is amended to read as follo

**“§ 2501. National security objectives concerning natio technology and industrial base”.**

(b) National Defense Technology and Industrial B Council.—Section 2502(c) of such title is amended—

(1) in paragraph (1), by striking out subparagraph and inserting in lieu thereof the following new subparagra

“(B) programs for achieving such national secu objectives; and”;

(2) by striking out paragraph (2); and

(3) by redesignating paragraph (3) as paragraph (2).

(c) Modification of Defense Dual-Use Critical Te nology Partnerships Program.—Section 2511 of such title amended to read as follows:

**“§ 2511. Defense dual-use critical technology program**

“(a) Establishment of Program.—The Secretary of Defe shall conduct a program to further the national security objecti set forth in section 2501(a) of this title by encouraging and provid for research, development, and application of dual-use critical te ologies. The Secretary may make grants, enter into contracts, r enter into cooperative agreements and other transactions pursunt to section 2371 of this title in furtherance of the program. 'he Secretary shall identify projects to be conducted as part of he program.

"(b) ASSISTANCE AUTHORIZED.—The Secretary of Defense may rovide technical and other assistance to facilitate the achievement f the purposes of projects conducted under the program. In providng such assistance, the Secretary shall make available, as approriate for the work to be performed, equipment and facilities of Department of Defense laboratories (including the scientists and ngineers at those laboratories) for purposes of projects selected y the Secretary.

"(c) FINANCIAL COMMITMENT OF NON-FEDERAL GOVERNMENT 'ARTICIPANTS.—(1) The total amount of funds provided by the Fedral Government for a project conducted under the program may ot exceed 50 percent of the total cost of the project. However, he Secretary of Defense may agree to a project in which the otal amount of funds provided by the Federal Government exceeds 0 percent if the Secretary determines the project is particularly neritorious, but the project would not otherwise have sufficient on-Federal funding or in-kind contributions.

"(2) The Secretary may prescribe regulations to provide for onsideration of in-kind contributions by non-Federal Government articipants in a project conducted under the program for the urpose of calculating the share of the project costs that has been r is being undertaken by such participants. In such regulations, he Secretary may authorize a participant that is a small business oncern to use funds received under the Small Business Innovation Research Program or the Small Business Technology Transfer Proram to help pay the costs of project activities. Any such funds o used may be considered in calculating the amount of the financial ommitment undertaken by the non-Federal Government particiants unless the Secretary determines that the small business oncern has not made a significant equity percentage contribution n the project from non-Federal sources.

"(3) The Secretary shall consider a project proposal submitted y a small business concern without regard to the ability of the mall business concern to immediately meet its share of the anticiated project costs. Upon the selection of a project proposal submited by a small business concern, the small business concern shall ave a period of not less than 120 days in which to arrange o meet its financial commitment requirements under the project rom sources other than a person of a foreign country. If the Secetary determines upon the expiration of that period that the small usiness concern will be unable to meet its share of the anticipated roject costs, the Secretary shall revoke the selection of the project roposal submitted by the small business concern.

"(d) SELECTION PROCESS.—Competitive procedures shall be used n the conduct of the program.

"(e) SELECTION CRITERIA.—The criteria for the selection of rojects under the program shall include the following:

"(1) The extent to which the proposed project advances and enhances the national security objectives set forth in section 2501(a) of this title.

"(2) The technical excellence of the proposed project.

"(3) The qualifications of the personnel proposed to part pate in the research activities of the proposed project.

"(4) An assessment of timely private sector investm in activities to achieve the goals and objectives of the propo project other than through the project.

"(5) The potential effectiveness of the project in the furt development and application of each technology proposed be developed by the project for the national technology a industrial base.

"(6) The extent of the financial commitment of eligi firms to the proposed project.

"(7) The extent to which the project does not unnecessa duplicate projects undertaken by other agencies.

"(f) REGULATIONS.—The Secretary of Defense shall prescr regulations for the purposes of this section.".

(d) FEDERAL DEFENSE LABORATORY DIVERSIFICATION P GRAM.—Section 2519 of such title is amended—

(1) in subsection (b), by striking out "referred to in sect 2511(b) of this title"; and

(2) in subsection (f), by striking out "section 2511(f)" a inserting in lieu thereof "section 2511(e)".

(e) MANUFACTURING SCIENCE AND TECHNOLOGY PROGRAM Subsection (b) of section 2525 of such title is amended to r as follows:

"(b) PURPOSE OF PROGRAM.—The Secretary of Defense sh use the program—

"(1) to provide centralized guidance and direction (includ goals, milestones, and priorities) to the military departme and the Defense Agencies on all matters relating to manufact ing technology;

"(2) to direct the development and implementation Department of Defense plans, programs, projects, activit and policies that promote the development and applicat of advanced technologies to manufacturing processes, tools, a equipment;

"(3) to improve the manufacturing quality, productiv technology, and practices of businesses and workers provid goods and services to the Department of Defense;

"(4) to promote dual-use manufacturing processes;

"(5) to disseminate information concerning improved ma facturing improvement concepts, including information on s matters as best manufacturing practices, product data excha specifications, computer-aided acquisition and logistics supp and rapid acquisition of manufactured parts;

"(6) to sustain and enhance the skills and capabilities the manufacturing work force;

"(7) to promote high-performance work systems (with de opment and dissemination of production technologies that bu upon the skills and capabilities of the work force), high le of worker education and training; and

"(8) to ensure appropriate coordination between the ma facturing technology programs and industrial preparedness p grams of the Department of Defense and similar progra undertaken by other departments and agencies of the Fede Government or by the private sector.".

(f) REPEAL OF VARIOUS ASSISTANCE PROGRAMS.—Sections 25 2513, 2520, 2521, 2522, 2523, and 2524 of such title are repeal

(g) REPEAL OF MILITARY-CIVILIAN INTEGRATION AND TECH-OLOGY TRANSFER ADVISORY BOARD.—Section 2516 of such title repealed.

(h) REPEAL OF OBSOLETE DEFINITIONS.—Section 2491 of such cle is amended—

(1) by striking out paragraphs (11) and (12); and

(2) by redesignating paragraphs (13), (14), (15), and (16) as paragraphs (11), (12), (13), and (14), respectively.

(i) CLERICAL AMENDMENTS.—(1) The table of sections at the eginning of subchapter II of chapter 148 of such title is amended y striking out the item relating to section 2501 and inserting lieu thereof the following new item:

501. National security objectives concerning national technology and industrial base.".

(2) The table of sections at the beginning of subchapter III such chapter is amended—

(A) by striking out the item relating to section 2511 and inserting in lieu thereof the following new item:

511. Defense dual-use critical technology program."; and

(B) by striking out the items relating to sections 2512, 2513, 2516, and 2520.

(3) The table of sections at the beginning of subchapter IV such chapter is amended by striking out the items relating sections 2521, 2522, 2523, and 2524.

### EC. 1082. AMMUNITION INDUSTRIAL BASE.

(a) REVIEW OF AMMUNITION PROCUREMENT PROGRAMS.—The ecretary of Defense shall carry out a review of the programs the Department of Defense for the procurement of ammunition. he review shall include the Department of Defense management ammunition procurement programs, including the procedures the Department for the planning for, budgeting for, administraon, and carrying out of such programs. The Secretary shall begin he review not later than 30 days after the date of the enactment this Act.

(b) MATTERS TO BE REVIEWED.—The review under subsection ) shall include an assessment of the following:

(1) The practicability and desirability of (A) continuing to use centralized procurement practices (through a single executive agent) for the procurement of ammunition required by the Armed Forces, and (B) using such centralized procurement practices for the procurement of all such ammunition.

(2) The capability of the ammunition production facilities of the Government to meet the requirements of the Armed Forces for procurement of ammunition.

(3) The practicability and desirability of converting those ammunition production facilities to ownership or operation by private sector entities.

(4) The practicability and desirability of integrating the budget planning for the procurement of ammunition among the Armed Forces.

(5) The practicability and desirability of establishing an advocate within the Department of Defense for matters relating to the ammunition industrial base, with such an advocate to be responsible for—

(A) establishing the quantity and price of ammunition procured by the Armed Forces; and

(B) establishing and implementing policy to ens the continuing capability of the ammunition industrial b in the United States to meet the requirements of the Arm Forces.

(6) The practicability and desirability of providing infor tion on the ammunition procurement practices of the Arm Forces to Congress through a single source.

(c) REPORT.—Not later than April 1, 1996, the Secretary sh submit to the congressional defense committees a report on review carried out under subsection (a). The report shall incl the following:

(1) The results of the review.

(2) A discussion of the methodologies used in carry out the review.

(3) An assessment of various methods of ensuring continuing capability of the ammunition industrial base of United States to meet the requirements of the Armed Forc

(4) Recommendations of means (including legislation) implementing those methods in order to ensure such continu capability.

### SEC. 1083. POLICY CONCERNING EXCESS DEFENSE INDUSTR CAPACITY.

No funds appropriated pursuant to an authorization of app priations in this Act may be used for capital investment in, the development and construction of, a Government-owned, Gove ment-operated defense industrial facility unless the Secretary Defense certifies to the Congress that no similar capability minimally used capacity exists in any other Government-own Government-operated defense industrial facility.

### SEC. 1084. SENSE OF CONGRESS CONCERNING ACCESS TO SECO ARY SCHOOL STUDENT INFORMATION FOR RECRUIT PURPOSES.

(a) SENSE OF CONGRESS.—It is the sense of Congress tha

(1) the States (with respect to public schools) and entit operating private secondary schools should not have a pol of denying, or otherwise effectively preventing, the Secret of Defense from obtaining for military recruiting purpose

(A) entry to any secondary school or access to stude at any secondary school equal to that of other employe or

(B) access to directory information pertaining to s dents at secondary schools equal to that of other employ (other than in a case in which an objection has been rai as described in paragraph (2)); and

(2) any State, and any entity operating a private second school, that releases directory information secondary sch students should—

(A) give public notice of the categories of such infor tion to be released; and

(B) allow a reasonable period after such notice been given for a student or (in the case of an individ younger than 18 years of age) a parent to inform school that any or all of such information should not released without obtaining prior consent from the stud or the parent, as the case may be.

(b) REPORT ON DOD PROCEDURES.—Not later than March 1, 1996, the Secretary of Defense shall submit to Congress a report on Department of Defense procedures for determining if and when a State or an entity operating a private secondary school has denied or prevented access to students or information as described in subsection (a)(1).

(c) DEFINITIONS.—For purposes of this section:

(1) The term "directory information" means, with respect to a student, the student's name, address, telephone listing, date and place of birth, level of education, degrees received, and (if available) the most recent previous educational program enrolled in by the student.

(2) The term "student" means an individual enrolled in any program of education who is 17 years of age or older.

### SEC. 1085. DISCLOSURE OF INFORMATION CONCERNING UNACCOUNTED FOR UNITED STATES PERSONNEL FROM THE KOREAN CONFLICT, THE VIETNAM ERA, AND THE COLD WAR.

50 USC 435 note.

Section 1082 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 50 U.S.C. 401 note) is amended—

(1) in subsection (b)(3)(A), by striking out "cannot be located after a reasonable effort." and inserting in lieu thereof "cannot be located by the Secretary of Defense—

"(i) in the case of a person missing from the Vietnam era, after a reasonable effort; and

"(ii) in the case of a person missing from the Korean Conflict or Cold War, after a period of 90 days from the date on which any record or other information referred to in paragraph (2) is received by the Department of Defense for disclosure review from the Archivist of the United States, the Library of Congress, or the Joint United States-Russian Commission on POW/MIAs."; and

(2) in subsection (c)(1), by striking out "not later than September 30, 1995" and inserting in lieu thereof "not later than January 2, 1996".

### SEC. 1086. OPERATIONAL SUPPORT AIRLIFT AIRCRAFT FLEET.

(a) SUBMITTAL OF JCS REPORT ON AIRCRAFT.—Not later than February 1, 1996, the Secretary of Defense shall submit to Congress the report that, as of the date of the enactment of this Act, is in preparation by the Chairman of the Joint Chiefs of Staff on operational support airlift aircraft.

(b) CONTENT OF REPORT.—(1) The report referred to in subsection (a) shall contain findings and recommendations on the following:

(A) Requirements for the modernization and safety of the operational support airlift aircraft fleet.

(B) The disposition of aircraft that would be excess to that fleet upon fulfillment of the requirements referred to in subparagraph (A).

(C) Plans and requirements for the standardization of the fleet, including plans and requirements for the provision of a single manager for all logistical support and operational requirements.

(D) Central scheduling of all operational support airlift aircraft.

(E) Needs of the Department for helicopter support in the National Capital Region, including the acceptable uses of that support.

(2) In preparing the report, the Chairman of the Joint Chiefs of Staff shall take into account the recommendation of the Commission on Roles and Missions of the Armed Forces to reduce the size of the operational support airlift aircraft fleet.

(c) REGULATIONS.—(1) Upon completion of the report referred to in subsection (a), the Secretary shall prescribe regulations consistent with the findings and recommendations set forth in the report, for the operation, maintenance, disposition, and use of operational support airlift aircraft.

(2) The regulations shall, to the maximum extent practicable provide for, and encourage the use of, commercial airlines in lieu of the use of such aircraft.

(3) The regulations shall apply uniformly throughout the Department.

(4) The regulations shall not require exclusive use of such aircraft for any particular class of government personnel.

(d) REDUCTIONS IN FLYING HOURS.—(1) The Secretary shal ensure that the number of hours flown during fiscal year 1996 by operational support airlift aircraft does not exceed the number equal to 85 percent of the number of hours flown during fisca year 1995 by operational support airlift aircraft.

(2) The Secretary should ensure that the number of hours flown in the National Capital Region during fiscal year 1996 by helicopters of the operational support airlift aircraft fleet does no exceed the number equal to 85 percent of the number of hours flown in the National Capital Region during fiscal year 1995 by helicopters of the operational support airlift aircraft fleet.

(e) RESTRICTION ON AVAILABILITY OF FUNDS.—Of the funds appropriated pursuant to section 301 for the operation and use of operational support airlift aircraft, not more than 50 percen is available for obligation until the Secretary submits to Congress the report referred to in subsection (a).

(f) DEFINITIONS.—In this section:

(1) The term “operational support airlift aircraft” means aircraft of the Department of Defense designated within the Department as operational support airlift aircraft.

(2) The term “National Capital Region” has the meaning given such term in section 2674(f)(2) of title 10, United States Code.

### SEC. 1087. CIVIL RESERVE AIR FLEET.

Section 9512 of title 10, United States Code, is amended by striking out “full Civil Reserve Air Fleet” in subsections (b)(2 and (e) and inserting in lieu thereof “Civil Reserve Air Fleet”

### SEC. 1088. DAMAGE OR LOSS TO PERSONAL PROPERTY DUE TO EMERGENCY EVACUATION OR EXTRAORDINARY CIRCUMSTANCES.

(a) SETTLEMENT OF CLAIMS OF PERSONNEL.—Section 3721(b)(1 of title 31, United States Code, is amended by inserting afte the first sentence the following: “If, however, the claim arose from an emergency evacuation or from extraordinary circumstances, th amount settled and paid under the authority of the preceding sentence may exceed $40,000, but may not exceed $100,000.”.

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply to claims arising before, on, or after the date of the enactment of this Act.

31 USC 3721 note.

(c) REPRESENTMENTS OF PREVIOUSLY PRESENTED CLAIMS.—(1) A claim under subsection (b) of section 3721 of title 31, United States Code, that was settled under such section before the date of the enactment of this Act may be represented under such section, as amended by subsection (a), to the head of the agency concerned to recover the amount equal to the difference between the actual amount of the damage or loss and the amount settled and paid under the authority of such section before the date of the enactment of this Act, except that—

31 USC 3721 note.

(A) the claim shall be represented in writing within two years after the date of the enactment of this Act;

(B) a determination of the actual amount of the damage or loss shall have been made by the head of the agency concerned pursuant to settlement of the claim under the authority of such section before the date of the enactment of this Act;

(C) the claimant shall have proof of the determination referred to in subparagraph (B); and

(D) the total of all amounts paid in settlement of the claim under the authority of such section may not exceed $100,000.

(2) Subsection (k) of such section shall not apply to bar representment of a claim described in paragraph (1), but shall apply to such a claim that is represented and settled under that section after the date of the enactment of this Act.

### SEC. 1089. AUTHORITY TO SUSPEND OR TERMINATE COLLECTION ACTIONS AGAINST DECEASED MEMBERS.

Section 3711 of title 31, United States Code, is amended by adding at the end the following:

“(g)(1) The Secretary of Defense may suspend or terminate an action by the Secretary or by the Secretary of a military department under subsection (a) to collect a claim against the estate of a person who died while serving on active duty as a member of the Army, Navy, Air Force, or Marine Corps if the Secretary determines that, under the circumstances applicable with respect to the deceased person, it is appropriate to do so.

“(2) In this subsection, the term ‘active duty’ has the meaning given that term in section 101 of title 10.”.

### SEC. 1090. CHECK CASHING AND EXCHANGE TRANSACTIONS FOR DEPENDENTS OF UNITED STATES GOVERNMENT PERSONNEL.

(a) AUTHORITY TO CARRY OUT TRANSACTIONS.—Subsection (b) of section 3342 of title 31, United States Code, is amended—

(1) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively; and

(2) by inserting after paragraph (2) the following new paragraph:

“(3) a dependent of personnel of the Government, but only—

“(A) at a United States installation at which adequate banking facilities are not available; and

“(B) in the case of negotiation of negotiable instruments, if the dependent’s sponsor authorizes, in writing, the presentation of negotiable instruments to the disbursing official for negotiation.”.

(b) Pay Offset.—Subsection (c) of such section is amended—

(1) by redesignating paragraph (3) as paragraph (4); an

(2) by inserting after paragraph (2) the following new paragraph (3):

"(3) The amount of any deficiency resulting from cashing check for a dependent under subsection (b)(3), including any charge assessed against the disbursing official by a financial institutio for insufficient funds to pay the check, may be offset from th pay of the dependent's sponsor.".

(c) Definitions.—Such section is further amended by addin at the end the following:

"(e) Regulations prescribed under subsection (d) shall includ regulations that define the terms 'dependent' and 'sponsor' for th purposes of this section. In the regulations, the term 'dependent' with respect to a member of a uniformed service, shall have th meaning given that term in section 401 of title 37.".

Virginia.

### SEC. 1091. DESIGNATION OF NATIONAL MARITIME CENTER.

(a) Designation of National Maritime Center.—Th NAUTICUS building, located at one Waterside Drive, Norfolk, Virginia, shall be known and designated as the "National Maritim Center".

(b) Reference to National Maritime Center.—Any referenc in a law, map, regulation, document, paper, or other record o the United States to the building referred to in subsection (a shall be deemed to be a reference to the "National Maritime Center'

### SEC. 1092. SENSE OF CONGRESS REGARDING HISTORIC PRESERVATION OF MIDWAY ISLANDS.

(a) Findings.—Congress makes the following findings:

(1) September 2, 1995, marks the 50th anniversary of th United States victory over Japan in World War II.

(2) The Battle of Midway proved to be the turning poin in the war in the Pacific, as United States Navy forces inflicte such severe losses on the Imperial Japanese Navy during th battle that the Imperial Japanese Navy never again took th offensive against United States or allied forces.

(3) During the Battle of Midway, an outnumbered forc of the United States Navy, consisting of 29 ships and othe units of the Armed Forces under the command of Admira Nimitz and Admiral Spruance, out-maneuvered and out-fough 350 ships of the Imperial Japanese Navy.

(4) It is in the public interest to erect a memorial t the Battle of Midway that is suitable to express the endurin gratitude of the American people for victory in the battle an to inspire future generations of Americans with the herois and sacrifice of the members of the Armed Forces who achieve that victory.

(b) Sense of Congress.—It is the sense of Congress that-

(1) the Midway Islands and the surrounding seas deserv to be memorialized;

(2) the historic structures related to the Battle of Midwa should be maintained, in accordance with the National Histor Preservation Act (16 U.S.C. 470–470t), and subject to the availability of appropriations for that purpose.

(3) appropriate access to the Midway Islands by survivor of the Battle of Midway, their families, and other visitors shoul be provided in a manner that ensures the public health an

safety on the Midway Islands and the conservation of the natural resources of those islands in accordance with existing Federal law.

### SEC. 1093. SENSE OF SENATE REGARDING FEDERAL SPENDING.

It is the sense of the Senate that in pursuit of a balanced Federal budget, Congress should exercise fiscal restraint, particularly in authorizing spending not requested by the executive branch and in proposing new programs.

### SEC. 1094. EXTENSION OF AUTHORITY FOR VESSEL WAR RISK INSURANCE.

Section 1214 of the Merchant Marine Act, 1936 (46 App. U.S.C. 1294), is amended by striking “June 30, 1995” and inserting in lieu thereof “June 30, 2000”.

# TITLE XI—UNIFORM CODE OF MILITARY JUSTICE

Military Justice Amendments of 1995.

### SEC. 1101. SHORT TITLE.

10 USC 801 note.

This title may be cited as the “Military Justice Amendments of 1995”.

### SEC. 1102. REFERENCES TO UNIFORM CODE OF MILITARY JUSTICE.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of chapter 47 of title 10, United States Code (the Uniform Code of Military Justice).

## Subtitle A—Offenses

### SEC. 1111. REFUSAL TO TESTIFY BEFORE COURT-MARTIAL.

Section 847(b) (article 47(b)) is amended—

(1) in the first sentence, by inserting “indictment or” after “shall be tried on”; and

(2) in the second sentence, by striking out “shall be” and all that follows and inserting in lieu thereof “shall be fined or imprisoned, or both, at the court’s discretion.”.

### SEC. 1112. FLIGHT FROM APPREHENSION.

(a) IN GENERAL.—Section 895 (article 95) is amended to read as follows:

**“§ 895. Art. 95. Resistance, flight, breach of arrest, and escape**

“Any person subject to this chapter who—

“(1) resists apprehension;

“(2) flees from apprehension;

“(3) breaks arrest; or

“(4) escapes from custody or confinement;

shall be punished as a court-martial may direct.”.

(b) CLERICAL AMENDMENT.—The item relating to section 895 (article 95) in the table of sections at the beginning of subchapter X is amended to read as follows:

“895. Art. 95. Resistance, flight, breach of arrest, and escape.”.

### SEC. 1113. CARNAL KNOWLEDGE.

(a) GENDER NEUTRALITY.—Subsection (b) of section 920 (article 120) is amended to read as follows:

"(b) Any person subject to this chapter who, under circumstances not amounting to rape, commits an act of sexual intercourse with a person—

"(1) who is not that person's spouse; and

"(2) who has not attained the age of sixteen years;

is guilty of carnal knowledge and shall be punished as a court-martial may direct.".

(b) MISTAKE OF FACT.—Such section (article) is further amended by adding at the end the following new subsection:

"(d)(1) In a prosecution under subsection (b), it is an affirmative defense that—

"(A) the person with whom the accused committed the act of sexual intercourse had at the time of the alleged offense attained the age of twelve years; and

"(B) the accused reasonably believed that that person had at the time of the alleged offense attained the age of sixteen years.

"(2) The accused has the burden of proving a defense under paragraph (1) by a preponderance of the evidence.".

## Subtitle B—Sentences

### SEC. 1121. EFFECTIVE DATE FOR FORFEITURES OF PAY AND ALLOWANCES AND REDUCTIONS IN GRADE BY SENTENCE OF COURT-MARTIAL.

(a) EFFECTIVE DATE OF SPECIFIED PUNISHMENTS.—Subsection (a) of section 857 (article 57) is amended to read as follows:

"(a)(1) Any forfeiture of pay or allowances or reduction in grade that is included in a sentence of a court-martial takes effect on the earlier of—

"(A) the date that is 14 days after the date on which the sentence is adjudged; or

"(B) the date on which the sentence is approved by the convening authority.

"(2) On application by an accused, the convening authority may defer a forfeiture of pay or allowances or reduction in grade that would otherwise become effective under paragraph (1)(A) until the date on which the sentence is approved by the convening authority. Such a deferment may be rescinded at any time by the convening authority.

"(3) A forfeiture of pay or allowances shall be applicable to pay and allowances accruing on and after the date on which the sentence takes effect.

"(4) In this subsection, the term 'convening authority', with respect to a sentence of a court-martial, means any person authorized to act on the sentence under section 860 of this title (article 60).".

10 USC 857 note.

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply to a case in which a sentence is adjudged by a court-martial on or after the first day of the first month that begins at least 30 days after the date of the enactment of this Act.

### SEC. 1122. REQUIRED FORFEITURE OF PAY AND ALLOWANCES DURING CONFINEMENT.

(a) EFFECT OF PUNITIVE SEPARATION OR CONFINEMENT FOR MORE THAN SIX MONTHS.—(1) Subchapter VIII is amended by inserting after section 858a (article 58a) the following:

### "§ 858b. Art. 58b. Sentences: forfeiture of pay and allowances during confinement

"(a)(1) A court-martial sentence described in paragraph (2) shall result in the forfeiture of pay and allowances due that member during any period of confinement or parole. The forfeiture pursuant to this section shall take effect on the date determined under section 857(a) of this title (article 57(a)) and may be deferred as provided in that section. The pay and allowances forfeited, in the case of a general court-martial, shall be all pay and allowances due that member during such period and, in the case of a special court-martial, shall be two-thirds of all pay and allowances due that member during such period.

"(2) A sentence covered by this section is any sentence that includes—

"(A) confinement for more than six months or death; or

"(B) confinement for six months or less and a dishonorable or bad-conduct discharge or dismissal.

"(b) In a case involving an accused who has dependents, the convening authority or other person acting under section 860 of this title (article 60) may waive any or all of the forfeitures of pay and allowances required by subsection (a) for a period not to exceed six months. Any amount of pay or allowances that, except for a waiver under this subsection, would be forfeited shall be paid, as the convening authority or other person taking action directs, to the dependents of the accused.

"(c) If the sentence of a member who forfeits pay and allowances under subsection (a) is set aside or disapproved or, as finally approved, does not provide for a punishment referred to in subsection (a)(2), the member shall be paid the pay and allowances which the member would have been paid, except for the forfeiture, for the period during which the forfeiture was in effect.".

(2) The table of sections at the beginning of subchapter VIII is amended by adding at the end the following new item:

"858b. 58b. Sentences: forfeiture of pay and allowances during confinement.".

(b) APPLICABILITY.—The section (article) added by the amendment made by subsection (a)(1) shall apply to a case in which a sentence is adjudged by a court-martial on or after the first day of the first month that begins at least 30 days after the date of the enactment of this Act. 10 USC 858b note.

(c) CONFORMING AMENDMENT.—(1) Section 804 of title 37, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 15 of such title is amended by striking out the item relating to section 804.

### SEC. 1123. DEFERMENT OF CONFINEMENT.

(a) DEFERMENT.—Subchapter VIII is amended—

(1) by inserting after subsection (c) of section 857 (article 57) the following:

**"§ 857a. Art. 57a. Deferment of sentences";**

(2) by redesignating the succeeding two subsections as subsection (a) and (b);

(3) in subsection (b), as redesignated by paragraph (2), by striking out "postpone" and inserting in lieu thereof "defer"; and

(4) by inserting after subsection (b), as redesignated by paragraph (2), the following:

"(c) In any case in which a court-martial sentences a person to confinement and the sentence to confinement has been ordered executed, but in which review of the case under section 867(a)(2 of this title (article 67(a)(2)) is pending, the Secretary concerned may defer further service of the sentence to confinement while that review is pending.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after the iter relating to section 857 (article 57) the following new item:

"857a. 57a. Deferment of sentences.".

## Subtitle C—Pretrial and Post-Trial Actions

### SEC. 1131. ARTICLE 32 INVESTIGATIONS.

Section 832 (article 32) is amended—

(1) by redesignating subsection (d) as subsection (e); an

(2) by inserting after subsection (c) the following new subsection (d):

"(d) If evidence adduced in an investigation under this articl indicates that the accused committed an uncharged offense, th investigating officer may investigate the subject matter of tha offense without the accused having first been charged with th offense if the accused—

"(1) is present at the investigation;

"(2) is informed of the nature of each uncharged offens investigated; and

"(3) is afforded the opportunities for representation, cross examination, and presentation prescribed in subsection (b)."

### SEC. 1132. SUBMISSION OF MATTERS TO THE CONVENING AUTHORIT FOR CONSIDERATION.

Section 860(b)(1) (article 60(b)(1)) is amended by inserting afte the first sentence the following: "Any such submission shall b in writing.".

### SEC. 1133. COMMITMENT OF ACCUSED TO TREATMENT FACILITY B REASON OF LACK OF MENTAL CAPACITY OR MENTA RESPONSIBILITY.

(a) APPLICABLE PROCEDURES.—(1) Subchapter IX is amende by inserting after section 876a (article 76a) the following:

**"§ 876b. Art. 76b. Lack of mental capacity or mental responsibility: commitment of accused for examinatio and treatment**

"(a) PERSONS INCOMPETENT TO STAND TRIAL.—(1) In the cas of a person determined under this chapter to be presently sufferin from a mental disease or defect rendering the person mentall incompetent to the extent that the person is unable to understan the nature of the proceedings against that person or to conduct or cooperate intelligently in the defense of the case, the general court-martial convening authority for that person shall commit the person to the custody of the Attorney General.

"(2) The Attorney General shall take action in accordance with section 4241(d) of title 18.

"(3) If at the end of the period for hospitalization provided for in section 4241(d) of title 18, it is determined that the committed person's mental condition has not so improved as to permit the trial to proceed, action shall be taken in accordance with section 4246 of such title.

Notification.

"(4)(A) When the director of a facility in which a person is hospitalized pursuant to paragraph (2) determines that the person has recovered to such an extent that the person is able to understand the nature of the proceedings against the person and to conduct or cooperate intelligently in the defense of the case, the director shall promptly transmit a notification of that determination to the Attorney General and to the general court-martial convening authority for the person. The director shall send a copy of the notification to the person's counsel.

"(B) Upon receipt of a notification, the general court-martial convening authority shall promptly take custody of the person unless the person covered by the notification is no longer subject to this chapter. If the person is no longer subject to this chapter, the Attorney General shall take any action within the authority of the Attorney General that the Attorney General considers appropriate regarding the person.

"(C) The director of the facility may retain custody of the person for not more than 30 days after transmitting the notifications required by subparagraph (A).

"(5) In the application of section 4246 of title 18 to a case under this subsection, references to the court that ordered the commitment of a person, and to the clerk of such court, shall be deemed to refer to the general court-martial convening authority for that person. However, if the person is no longer subject to this chapter at a time relevant to the application of such section to the person, the United States district court for the district where the person is hospitalized or otherwise may be found shall be considered as the court that ordered the commitment of the person.

"(b) PERSONS FOUND NOT GUILTY BY REASON OF LACK OF MENTAL RESPONSIBILITY.—(1) If a person is found by a court-martial not guilty only by reason of lack of mental responsibility, the person shall be committed to a suitable facility until the person is eligible for release in accordance with this section.

"(2) The court-martial shall conduct a hearing on the mental condition in accordance with subsection (c) of section 4243 of title 18. Subsections (b) and (d) of that section shall apply with respect to the hearing.

Reports.

"(3) A report of the results of the hearing shall be made to the general court-martial convening authority for the person.

"(4) If the court-martial fails to find by the standard specified in subsection (d) of section 4243 of title 18 that the person's release would not create a substantial risk of bodily injury to another person or serious damage of property of another due to a present mental disease or defect—

"(A) the general court-martial convening authority ma commit the person to the custody of the Attorney General and

"(B) the Attorney General shall take action in accordanc with subsection (e) of section 4243 of title 18.

"(5) Subsections (f), (g), and (h) of section 4243 of title 1 shall apply in the case of a person hospitalized pursuant to paragraph (4)(B), except that the United States district court for th district where the person is hospitalized shall be considered a the court that ordered the person's commitment.

"(c) GENERAL PROVISIONS.—(1) Except as otherwise provide in this subsection and subsection (d)(1), the provisions of sectio 4247 of title 18 apply in the administration of this section.

"(2) In the application of section 4247(d) of title 18 to hearing conducted by a court-martial under this section or by (or by orde of) a general court-martial convening authority under this section the reference in that section to section 3006A of such title doe not apply.

"(d) APPLICABILITY.—(1) The provisions of chapter 313 of titl 18 referred to in this section apply according to the provision of this section notwithstanding section 4247(j) of title 18.

"(2) If the status of a person as described in section 802 o this title (article 2) terminates while the person is, pursuant t this section, in the custody of the Attorney General, hospitalized or on conditional release under a prescribed regimen of medical psychiatric, or psychological care or treatment, the provisions o this section establishing requirements and procedures regardin a person no longer subject to this chapter shall continue to appl to that person notwithstanding the change of status.".

(2) The table of sections at the beginning of such subchapte is amended by inserting after the item relating to section 876 (article 76a) the following:

"876b. 76b. Lack of mental capacity or mental responsibility: commitment of accuse for examination and treatment.".

(b) CONFORMING AMENDMENT.—Section 802 (article 2) i amended by adding at the end the following new subsection:

"(e) The provisions of this section are subject to sectio 876b(d)(2) of this title (article 76b(d)(2)).".

10 USC 876b note. (c) EFFECTIVE DATE.—Section 876b of title 10, United State Code (article 76b of the Uniform Code of Military Justice), a added by subsection (a), shall take effect at the end of the six month period beginning on the date of the enactment of this Ac and shall apply with respect to charges referred to courts-marti after the end of that period.

## Subtitle D—Appellate Matters

### SEC. 1141. APPEALS BY THE UNITED STATES.

(a) APPEALS RELATING TO DISCLOSURE OF CLASSIFIED INFORMATION.—Section 862(a)(1) (article 62(a)(1)) is amended to read a follows:

"(a)(1) In a trial by court-martial in which a military judg presides and in which a punitive discharge may be adjudged, th United States may appeal the following (other than an order o ruling that is, or that amounts to, a finding of not guilty wit respect to the charge or specification):

"(A) An order or ruling of the military judge which terminates the proceedings with respect to a charge or specification.

"(B) An order or ruling which excludes evidence that is substantial proof of a fact material in the proceeding.

"(C) An order or ruling which directs the disclosure of classified information.

"(D) An order or ruling which imposes sanctions for nondisclosure of classified information.

"(E) A refusal of the military judge to issue a protective order sought by the United States to prevent the disclosure of classified information.

"(F) A refusal by the military judge to enforce an order described in subparagraph (E) that has previously been issued by appropriate authority.".

(b) DEFINITIONS.—Section 801 (article 1) is amended by insert- g after paragraph (14) the following new paragraphs:

"(15) The term 'classified information' means (A) any information or material that has been determined by an official of the United States pursuant to law, an Executive order, or regulation to require protection against unauthorized disclosure for reasons of national security, and (B) any restricted data, as defined in section 11(y) of the Atomic Energy Act of 1954 (42 U.S.C. 2014(y)).

"(16) The term 'national security' means the national defense and foreign relations of the United States.".

### C. 1142. REPEAL OF TERMINATION OF AUTHORITY FOR CHIEF JUSTICE OF THE UNITED STATES TO DESIGNATE ARTICLE III JUDGES FOR TEMPORARY SERVICE ON COURT OF APPEALS FOR THE ARMED FORCES.

Subsection (i) of section 1301 of the National Defense Authoriza- on Act for Fiscal Years 1990 and 1991 (Public Law 101–189; U.S.C. 942 note) is repealed.

## Subtitle E—Other Matters

### C. 1151. ADVISORY COMMITTEE ON CRIMINAL LAW JURISDICTION OVER CIVILIANS ACCOMPANYING THE ARMED FORCES IN TIME OF ARMED CONFLICT.

10 USC 802 note.

(a) ESTABLISHMENT.—Not later than 45 days after the date the enactment of this Act, the Secretary of Defense and the torney General shall jointly appoint an advisory committee to view and make recommendations concerning the appropriate rum for criminal jurisdiction over civilians accompanying the med Forces in the field outside the United States in time of med conflict.

(b) MEMBERSHIP.—The committee shall be composed of at least e individuals, including experts in military law, international w, and Federal civilian criminal law. In making appointments the committee, the Secretary and the Attorney General shall sure that the members of the committee reflect diverse experi- ces in the conduct of prosecution and defense functions.

(c) DUTIES.—The committee shall do the following:

(1) Review historical experiences and current practices concerning the use, training, discipline, and functions of civilians accompanying the Armed Forces in the field.

(2) Based upon such review and other information availab to the committee, develop specific recommendations concerni the advisability and feasibility of establishing United Stat criminal law jurisdiction over persons who as civilians accor pany the Armed Forces in the field outside the United Stat during time of armed conflict not involving a war declar by Congress, including whether such jurisdiction should established through any of the following means (or a combin tion of such means depending upon the degree of the arm conflict involved):

(A) Establishing court-martial jurisdiction over su persons.

(B) Extending the jurisdiction of the Article III cour to cover such persons.

(C) Establishing an Article I court to exercise crimin jurisdiction over such persons.

(3) Develop such additional recommendations as t committee considers appropriate as a result of the revie

(d) REPORT.—(1) Not later than December 15, 1996, the adviso committee shall transmit to the Secretary of Defense and the Att ney General a report setting forth its findings and recommend tions, including the recommendations required under subsecti (c)(2).

(2) Not later than January 15, 1997, the Secretary of Defen and the Attorney General shall jointly transmit the report of t advisory committee to Congress. The Secretary and the Attorn General may include in the transmittal any joint comments the report that they consider appropriate, and either such offic may include in the transmittal any separate comments on t report that such official considers appropriate.

(e) DEFINITIONS.—For purposes of this section:

(1) The term "Article I court" means a court establish under Article I of the Constitution.

(2) The term "Article III court" means a court establish under Article III of the Constitution.

(f) TERMINATION OF COMMITTEE.—The advisory committee sh terminate 30 days after the date on which the report of the comm tee is submitted to Congress under subsection (d)(2).

### SEC. 1152. TIME AFTER ACCESSION FOR INITIAL INSTRUCTION IN T UNIFORM CODE OF MILITARY JUSTICE.

Section 937(a)(1) (article 137(a)(1)) is amended by striking o "within six days" and inserting in lieu thereof "within fourte days".

### SEC. 1153. TECHNICAL AMENDMENT.

Section 866(f) (article 66(f)) is amended by striking out "Cou of Military Review" both places it appears and inserting in li thereof "Courts of Criminal Appeals".

# TITLE XII—COOPERATIVE THREAT REDUCTION WITH STATES OF FORMER SOVIET UNION

## SEC. 1201. SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS.

22 USC 5955 note.

(a) IN GENERAL.—For purposes of section 301 and other provisions of this Act, Cooperative Threat Reduction programs are the programs specified in subsection (b).

(b) SPECIFIED PROGRAMS.—The programs referred to in subsection (a) are the following programs with respect to states of the former Soviet Union:

(1) Programs to facilitate the elimination, and the safe and secure transportation and storage, of nuclear, chemical, and other weapons and their delivery vehicles.

(2) Programs to facilitate the safe and secure storage of fissile materials derived from the elimination of nuclear weapons.

(3) Programs to prevent the proliferation of weapons, weapons components, and weapons-related technology and expertise.

(4) Programs to expand military-to-military and defense contacts.

## SEC. 1202. FISCAL YEAR 1996 FUNDING ALLOCATIONS.

(a) IN GENERAL.—Of the amount appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs, not more than the following amounts may be obligated for the purposes specified:

(1) For elimination of strategic offensive weapons in Russia, Ukraine, Belarus, and Kazakhstan, $90,000,000.

(2) For weapons security in Russia, $42,500,000.

(3) For the Defense Enterprise Fund, $0.

(4) For nuclear infrastructure elimination in Ukraine, Belarus, and Kazakhstan, $35,000,000.

(5) For planning and design of a storage facility for Russian fissile material, $29,000,000.

(6) For planning and design of a chemical weapons destruction facility in Russia, $73,000,000.

(7) For activities designated as Defense and Military Contacts/General Support/Training in Russia, Ukraine, Belarus, and Kazakhstan, $10,000,000.

(8) For activities designated as Other Assessments/Support $20,500,000.

(b) LIMITED AUTHORITY TO VARY INDIVIDUAL AMOUNTS.—(1) If the Secretary of Defense determines that it is necessary to do so in the national interest, the Secretary may, subject to paragraph (2), obligate amounts for the purposes stated in any of the paragraphs of subsection (a) in excess of the amount specified for those purposes in that paragraph, but not in excess of 115 percent of that amount. However, the total amount obligated for the purposes stated in the paragraphs in subsection (a) may not by reason of the use of the authority provided in the preceding sentence exceed the sum of the amounts specified in those paragraphs.

(2) An obligation for the purposes stated in any of the paragraphs in subsection (a) in excess of the amount specified in tha paragraph may be made using the authority provided in paragrapl (1) only after—

Notification.

(A) the Secretary submits to Congress a notification o the intent to do so together with a complete discussion o the justification for doing so; and

(B) 15 days have elapsed following the date of th notification.

(c) Reimbursement of Pay Accounts.—Funds appropriate pursuant to the authorization of appropriations in section 301 fo Cooperative Threat Reduction programs may be transferred to military personnel accounts for reimbursement of those accounts fo the amount of pay and allowances paid to reserve componen personnel for service while engaged in any activity under a Cooperative Threat Reduction program.

## SEC. 1203. PROHIBITION ON USE OF FUNDS FOR PEACEKEEPIN EXERCISES AND RELATED ACTIVITIES WITH RUSSIA.

None of the funds appropriated pursuant to the authorizatio in section 301 for Cooperative Threat Reduction programs ma be obligated or expended for the purpose of conducting with Russi any peacekeeping exercise or other peacekeeping-related activit

## SEC. 1204. REVISION TO AUTHORITY FOR ASSISTANCE FOR WEAPON DESTRUCTION.

Section 211 of Public Law 102–228 (22 U.S.C. 2551 note) i amended by adding at the end the following new subsection:

President.

"(c) As part of a transmission to Congress under subsectio (b) of a certification that a proposed recipient of United State assistance under this title is committed to carrying out the matter specified in each of paragraphs (1) through (6) of that subsectio the President shall include a statement setting forth, in unclassifie form (together with a classified annex if necessary), the determination of the President, with respect to each such paragraph, a to whether that proposed recipient is at that time in fact carryin out the matter specified in that paragraph.".

22 USC 5955 note.
Reports.

## SEC. 1205. PRIOR NOTICE TO CONGRESS OF OBLIGATION OF FUND

(a) Annual Requirement.—(1) Not less than 15 days befor any obligation of any funds appropriated for any fiscal year fo a program specified under section 1201 as a Cooperative Threa Reduction program, the Secretary of Defense shall submit to th congressional committees specified in paragraph (2) a report o that proposed obligation for that program for that fiscal year.

(2) The congressional committees referred to in paragraph (1 are the following:

(A) The Committee on Armed Services, the Committe on Foreign Relations, and the Committee on Appropriation of the Senate.

(B) The Committee on National Security, the Committe on International Relations, and the Committee on Appropriations of the House of Representatives.

(b) Matters To Be Specified in Reports.—Each such repor shall specify—

(1) the activities and forms of assistance for which th Secretary of Defense plans to obligate funds;

(2) the amount of the proposed obligation; and

(3) the projected involvement (if any) of any department or agency of the United States (in addition to the Department of Defense) and of the private sector of the United States in the activities and forms of assistance for which the Secretary of Defense plans to obligate such funds.

**SEC. 1206. REPORT ON ACCOUNTING FOR UNITED STATES ASSISTANCE.**

22 USC 5955 note.

(a) REPORT.—(1) The Secretary of Defense shall submit to Congress an annual report on the efforts made by the United States (including efforts through the use of audits, examinations, and on-site inspections) to ensure that assistance provided under Cooperative Threat Reduction programs is fully accounted for and that such assistance is being used for its intended purposes.

(2) A report shall be submitted under this section not later than January 31 of each year until the Cooperative Threat Reduction programs are completed.

(b) INFORMATION TO BE INCLUDED.—Each report under this section shall include the following:

(1) A list of cooperative threat reduction assistance that has been provided before the date of the report.

(2) A description of the current location of the assistance provided and the current condition of such assistance.

(3) A determination of whether the assistance has been used for its intended purpose.

(4) A description of the activities planned to be carried out during the next fiscal year to ensure that cooperative threat reduction assistance provided during that fiscal year is fully accounted for and is used for its intended purpose.

(c) COMPTROLLER GENERAL ASSESSMENT.—Not later than 30 days after the date on which a report of the Secretary under subsection (a) is submitted to Congress, the Comptroller General of the United States shall submit to Congress a report giving the Comptroller General's assessment of the report and making any recommendations that the Comptroller General considers appropriate.

**SEC. 1207. LIMITATION ON ASSISTANCE TO NUCLEAR WEAPONS SCIENTISTS OF FORMER SOVIET UNION.**

Certification.

Amounts appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs may not be obligated for any program established primarily to assist nuclear weapons scientists in states of the former Soviet Union until 30 days after the date on which the Secretary of Defense certifies in writing to Congress that the funds to be obligated will not be used (1) to contribute to the modernization of the strategic nuclear forces of such states, or (2) for research, development, or production of weapons of mass destruction.

**SEC. 1208. LIMITATION RELATING TO OFFENSIVE BIOLOGICAL WARFARE PROGRAM OF RUSSIA.**

President.

(a) LIMITATION.—Of the amount appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs that is available for the purpose stated in section 1202(a)(6), $60,000,000 may not be obligated or expended until the President submits to Congress either a certification as provided in subsection (b) or a certification as provided in subsection (c).

(b) CERTIFICATION WITH RESPECT TO OFFENSIVE BIOLOGICA
WARFARE PROGRAM OF RUSSIA.—A certification under this sul
section is a certification by the President of each of the followin

(1) That Russia is in compliance with its obligations unde
the Biological Weapons Convention.

(2) That Russia has agreed with the United States an
the United Kingdom on a common set of procedures to gover
visits by officials of the United States and United Kingdor
to military biological facilities of Russia, as called for unde
the Joint Statement on Biological Weapons issued by officia
of the United States, the United Kingdom, and Russia o
September 14, 1992.

(3) That visits by officials of the United States and Unite
Kingdom to the four declared military biological facilities
Russia have occurred.

(c) ALTERNATIVE CERTIFICATION.—A certification under th
subsection is a certification by the President that the Presider
is unable to make a certification under subsection (b).

(d) USE OF FUNDS UPON ALTERNATIVE CERTIFICATION.—If th
President makes a certification under subsection (c), th
$60,000,000 specified in subsection (a)—

(1) shall not be available for the purpose stated in sectio
1202(a)(6); and

(2) shall be available for activities in Ukraine, Kazakhsta
and Belarus—

(A) for the elimination of strategic offensive weapor
(in addition to the amount specified in section 1202(a)(1
and

(B) for nuclear infrastructure elimination (in additic
to the amount specified in section 1202(a)(4)).

### SEC. 1209. LIMITATION ON USE OF FUNDS FOR CHEMICAL WEAPON DESTRUCTION FACILITY.

(a) LIMITATION.—Of the amount appropriated pursuant to th
authorization of appropriations in section 301 for Cooperati
Threat Reduction programs that is available for planning and desig
of a chemical weapons destruction facility, not more than on
half of such amount may be obligated or expended until the Pres
dent certifies to Congress the following:

(1) That the United States and Russia have complete
a joint laboratory study to determine the feasibility of an appr
priate technology for destruction of chemical weapons of Russi

(2) That Russia is making reasonable progress, with th
assistance of the United States (if necessary), toward th
completion of a comprehensive implementation plan for mana
ing and funding the dismantlement and destruction of Russia
chemical weapons stockpile.

(3) That the United States and Russia have made substa
tial progress toward resolution, to the satisfaction of the Unite
States, of outstanding compliance issues under the 198
Wyoming Memorandum of Understanding and the 199
Bilateral Destruction Agreement.

(b) DEFINITIONS.—In this section:

(1) The term "1989 Wyoming Memorandum of Understan
ing" means the Memorandum of Understanding between th
Government of the United States of America and the Gover
ment of the Union of Soviet Socialist Republics Regarding

Bilateral Verification Experiment and Data Exchange Related to Prohibition on Chemical Weapons, signed at Jackson Hole, Wyoming, on September 23, 1989.

(2) The term "1990 Bilateral Destruction Agreement" means the Agreement between the United States of America and the Union of Soviet Socialist Republics on destruction and nonproduction of chemical weapons and on measures to facilitate the multilateral convention on banning chemical weapons signed on June 1, 1990.

# TITLE XIII—MATTERS RELATING TO OTHER NATIONS

## Subtitle A—Peacekeeping Provisions

### SEC. 1301. LIMITATION ON USE OF DEPARTMENT OF DEFENSE FUNDS FOR UNITED STATES SHARE OF COSTS OF UNITED NATIONS PEACEKEEPING ACTIVITIES.

(a) IN GENERAL.—Chapter 20 of title 10, United States Code, is amended by inserting after section 404 the following new section:

**"§ 405. Use of Department of Defense funds for United States share of costs of United Nations peacekeeping activities: limitation**

"(a) PROHIBITION ON USE OF FUNDS.—Funds available to the Department of Defense may not be used to make a financial contribution (directly or through another department or agency of the United States) to the United Nations—

"(1) for the costs of a United Nations peacekeeping activity; or

"(2) for any United States arrearage to the United Nations.

"(b) APPLICATION OF PROHIBITION.—The prohibition in subsection (a) applies to voluntary contributions, as well as to contributions pursuant to assessment by the United Nations for the United States share of the costs of a peacekeeping activity.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter I of such chapter is amended by adding at the end the following new item:

"405. Use of Department of Defense funds for United States share of costs of United Nations peacekeeping activities: limitation.".

## Subtitle B—Humanitarian Assistance Programs

### SEC. 1311. OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID PROGRAMS.

(a) COVERED PROGRAMS.—For purposes of section 301 and other provisions of this Act, programs of the Department of Defense designated as Overseas Humanitarian, Disaster, and Civic Aid (OHDACA) programs are the programs provided by sections 401, 402, 404, 2547, and 2551 of title 10, United States Code.

(b) GAO REPORT.—Not later than March 1, 1996, the Comptroller General of the United States shall provide to the congressional defense committees a report on—

(1) existing funding mechanisms available to cover tl costs associated with the Overseas Humanitarian, Disaste and Civic Assistance activities through funds provided to tl Department of State or the Agency for International Develo ment, and

(2) if such mechanisms do not exist, actions necessa to institute such mechanisms, including any changes in existi law or regulations.

### SEC. 1312. HUMANITARIAN ASSISTANCE.

Section 2551 of title 10, United States Code, is amended

(1) by striking out subsections (b) and (c);

(2) by redesignating subsection (d) as subsection (b);

(3) by striking out subsection (e) and inserting in li thereof the following:

"(c) STATUS REPORTS.—(1) The Secretary of Defense shall su mit to the congressional committees specified in subsection (f) a annual report on the provision of humanitarian assistance pursua to this section for the prior fiscal year. The report shall be submitt each year at the time of the budget submission by the Preside for the next fiscal year.

"(2) Each report required by paragraph (1) shall cover all pro sions of law that authorize appropriations for humanitarian assis ance to be available from the Department of Defense for tl purposes of this section.

"(3) Each report under this subsection shall set forth the follo ing information regarding activities during the previous fiscal yea

"(A) The total amount of funds obligated for humanitari relief under this section.

"(B) The number of scheduled and completed transportati missions for purposes of providing humanitarian assistan under this section.

"(C) A description of any transfer of excess nonlethal su plies of the Department of Defense made available for huma tarian relief purposes under section 2547 of this title. T description shall include the date of the transfer, the enti to whom the transfer is made, and the quantity of ite transferred.";

(4) by redesignating subsection (f) as subsection (d) a in that subsection striking out "the Committees on" and that follows through "House of Representatives of the" a inserting in lieu thereof "the congressional committees specifi in subsection (f) and the Committees on Appropriations of t Senate and House of Representatives of the";

(5) by redesignating subsection (g) as subsection (e); a

(6) by adding at the end the following new subsecti

"(f) CONGRESSIONAL COMMITTEES.—The congressional comm tees referred to in subsections (c)(1) and (d) are the followi

"(1) The Committee on Armed Services and the Committ on Foreign Relations of the Senate.

"(2) The Committee on National Security and the Comm tee on International Relations of the House of Representatives

### SEC. 1313. LANDMINE CLEARANCE PROGRAM.

(a) INCLUSION IN GENERAL HUMANITARIAN ASSISTANCE PR GRAM.—Subsection (e) of section 401 of title 10, United Stat Code, is amended—

(1) by striking out "means—" and inserting in lieu thereof "means:";

(2) by revising the first word in each of paragraphs (1) through (4) so that the first letter of such word is upper case;

(3) by striking out the semicolon at the end of paragraphs (1) and (2) and inserting in lieu thereof a period;

(4) by striking out "; and" at the end of paragraph (3) and inserting in lieu thereof a period; and

(5) by adding at the end the following new paragraph:

"(5) Detection and clearance of landmines, including activities relating to the furnishing of education, training, and technical assistance with respect to the detection and clearance of landmines.".

(b) LIMITATION ON LANDMINE ASSISTANCE BY MEMBERS OF RMED FORCES.—Subsection (a) of such section is amended by dding at the end the following new paragraph:

"(4) The Secretary of Defense shall ensure that no member f the Armed Forces, while providing assistance under this section hat is described in subsection (e)(5)—

"(A) engages in the physical detection, lifting, or destroying of landmines (unless the member does so for the concurrent purpose of supporting a United States military operation); or

"(B) provides such assistance as part of a military operation that does not involve the Armed Forces.".

(c) REPEAL.—Section 1413 of the National Defense Authorizaion Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2913; 0 U.S.C. 401 note) is repealed.

## Subtitle C—Arms Exports and Military Assistance

### EC. 1321. DEFENSE EXPORT LOAN GUARANTEES.

(a) ESTABLISHMENT OF PROGRAM.—(1) Chapter 148 of title 10, nited States Code, is amended by adding at the end the following ew subchapter:

### "SUBCHAPTER VI—DEFENSE EXPORT LOAN GUARANTEES

Sec.
2540. Establishment of loan guarantee program.
2540a. Transferability.
2540b. Limitations.
2540c. Fees charged and collected.
2540d. Definitions.

### "§ 2540. Establishment of loan guarantee program

"(a) ESTABLISHMENT.—In order to meet the national security bjectives in section 2501(a) of this title, the Secretary of Defense hall establish a program under which the Secretary may issue uarantees assuring a lender against losses of principal or interest, r both principal and interest, arising out of the financing of the ale or long-term lease of defense articles, defense services, or esign and construction services to a country referred to in subection (b).

"(b) COVERED COUNTRIES.—The authority under subsection (a) pplies with respect to the following countries:

"(1) A member nation of the North Atlantic Treat Organization (NATO).

"(2) A country designated as of March 31, 1995, as major non-NATO ally pursuant to section 2350a(i)(3) of thi title.

"(3) A country in Central Europe that, as determined b the Secretary of State—

"(A) has changed its form of national government fro a nondemocratic form of government to a democratic for of government since October 1, 1989; or

"(B) is in the process of changing its form of nationa government from a nondemocratic form of government t a democratic form of government.

"(4) A noncommunist country that was a member natio of the Asia Pacific Economic Cooperation (APEC) as of Octobe 31, 1993.

"(c) Authority Subject to Provisions of Appropriations.– The Secretary may guarantee a loan under this subchapter onl to such extent or in such amounts as may be provided in advanc in appropriations Acts.

**"§ 2540a. Transferability**

"A guarantee issued under this subchapter shall be fully an freely transferable.

**"§ 2540b. Limitations**

"(a) Terms and Conditions of Loan Guarantees.—In issuin a guarantee under this subchapter for a medium-term or long term loan, the Secretary may not offer terms and conditions mor beneficial than those that would be provided to the recipient b the Export-Import Bank of the United States under similar ci cumstances in conjunction with the provision of guarantees fo nondefense articles and services.

"(b) Losses Arising From Fraud or Misrepresentation.– No payment may be made under a guarantee issued under thi subchapter for a loss arising out of fraud or misrepresentatio for which the party seeking payment is responsible.

"(c) No Right of Acceleration.—The Secretary of Defens may not accelerate any guaranteed loan or increment, and ma not pay any amount, in respect of a guarantee issued under thi subchapter, other than in accordance with the original paymen terms of the loan.

**"§ 2540c. Fees charged and collected**

"(a) Exposure Fees.—The Secretary of Defense shall charg a fee (known as 'exposure fee') for each guarantee issued unde this subchapter.

"(b) Amount of Exposure Fee.—To the extent that the cos of the loan guarantees under this subchapter is not otherwis provided for in appropriations Acts, the fee imposed under sub section (a) with respect to a loan guarantee shall be fixed in a amount that is sufficient to meet potential liabilities of the Unite States under the loan guarantee.

"(c) Payment Terms.—The fee under subsection (a) for eac guarantee shall become due as the guarantee is issued. In th case of a guarantee for a loan which is disbursed incrementally and for which the guarantee is correspondingly issued incrementall as portions of the loan are disbursed, the fee shall be paid incrementally in proportion to the amount of the guarantee that is issued.

"(d) ADMINISTRATIVE FEES.—The Secretary of Defense shall charge a fee for each guarantee issued under this subchapter to reflect the additional administrative costs of the Department of Defense that are directly attributable to the administration of the program under this subchapter. Such fees shall be credited to a special account in the Treasury. Amounts in the special account shall be available, to the extent and in amounts provided in appropriations Acts, for paying the costs of administrative expenses of the Department of Defense that are attributable to the loan guarantee program under this subchapter.

### "§ 2540d. Definitions

"In this subchapter:

"(1) The terms 'defense article', 'defense services', and 'design and construction services' have the meanings given those terms in section 47 of the Arms Export Control Act (22 U.S.C. 2794).

"(2) The term 'cost', with respect to a loan guarantee, has the meaning given that term in section 502 of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 661a).".

(2) The table of subchapters at the beginning of such chapter is amended by adding at the end the following new item:

"VI. Defense Export Loan Guarantees .............................................................. 2540".

President.
10 USC 2540 note.

(b) REPORT.—Not later than two years after the date of the enactment of this Act, the President shall submit to Congress a report on the loan guarantee program established pursuant to section 2540 of title 10, United States Code, as added by subsection (a). The report shall include—

(1) an analysis of the costs and benefits of the loan guarantee program; and

(2) any recommendations for modification of the program that the President considers appropriate, including—

(A) any recommended addition to the list of countries for which a guarantee may be issued under the program; and

(B) any proposed legislation necessary to authorize a recommended modification.

(c) FIRST YEAR COSTS.—The Secretary of Defense shall make available, from amounts appropriated to the Department of Defense for fiscal year 1996 for operations and maintenance, such amounts as may be necessary, not to exceed $500,000, for the expenses of the Department of Defense during fiscal year 1996 that are directly attributable to the administration of the defense export loan guarantee program under subchapter VI of chapter 148 of title 10, United States Code, as added by subsection (a).

(d) REPLENISHMENT OF OPERATIONS AND MAINTENANCE ACCOUNTS FOR FIRST YEAR COSTS.—The Secretary of Defense shall, using funds in the special account referred to in section 2540c(d) of title 10, United States Code (as added by subsection (b)), replenish operations and maintenance accounts for amounts expended from such accounts for expenses referred to in subsection (c).

50 USC app. 2404 note.

## SEC. 1322. NATIONAL SECURITY IMPLICATIONS OF UNITED STATES EXPORT CONTROL POLICY.

(a) FINDINGS.—Congress makes the following findings:

(1) Export controls remain an important element of the national security policy of the United States.

(2) It is in the national security interest that United States export control policy be effective in preventing the transfer, to potential adversaries or combatants of the United States, of technology that threatens the national security or defense of the United States.

(3) It is in the national security interest that the United States monitor aggressively the export of militarily critical technology in order to prevent its diversion to potential adversaries or combatants of the United States.

(4) The Department of Defense relies increasingly on commercial and dual-use technologies, products, and processes to support United States military capabilities and economic strength.

(5) The maintenance of the military advantage of the United States depends on effective export controls on dual-use items and technologies that are critical to the military capabilities of the Armed Forces.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Secretary of Defense should evaluate license applications for the export of militarily critical commodities the export of which is controlled for national security reasons if those commodities are to be exported to certain countries of concern;

(2) the Secretary of Defense should identify the dual-use items and technologies that are critical to the military capabilities of the Armed Forces, including the military use made of such items and technologies;

(3) upon identification by the Secretary of Defense of the dual-use items and technologies referred to in paragraph (2), the President should ensure effective export controls or use unilateral export controls on dual-use items and technologies that are critical to the military capabilities of the Armed Forces (regardless of the availability of such items or technologies overseas) with respect to the countries that—

(A) pose a threat to the national security interests of the United States; and

(B) are not members in good standing of bilateral or multilateral agreements to which the United States is a party on the use of such items and technologies; and

(4) the President, upon recommendation of the Secretary of Defense, should ensure effective controls on the re-export by other countries of dual-use items and technologies that are critical to the military capabilities of the Armed Forces.

President.

(c) ANNUAL REPORT.—(1) Not later than December 1 of each year through 1999, the President shall submit to the committees specified in paragraph (4) a report on the effect of the export control policy of the United States on the national security interests of the United States.

(2) The report shall include the following:

(A) A list setting forth each country determined by the Secretary of Defense, the intelligence community, and other appropriate agencies to be a rogue nation or potential adversary or combatant of the United States.

(B) For each country so listed, a list of—

(i) the categories of items that the United States currently prohibits for export to the country;

(ii) the categories of items that may be exported from the United States with an individual license, and in such cases, any licensing conditions normally required and the policy grounds used for approvals and denials; and

(iii) the categories of items that may be exported under a general license designated "G-DEST".

(C) For each category of items listed under subparagraph (B)—

(i) a statement whether a prohibition, control, or licensing requirement on a category of items is imposed pursuant to an international multilateral agreement or is unilateral;

(ii) a statement whether a prohibition, control, or licensing requirement on a category of items is imposed by the other members of an international agreement or is unilateral;

(iii) when the answer under either clause (i) or clause (ii) is unilateral, a statement concerning the efforts being made to ensure that the prohibition, control, or licensing requirement is made multilateral; and

(iv) a statement on what impact, if any, a unilateral prohibition is having, or would have, on preventing the rogue nation or potential adversary from attaining the items in question for military purposes.

(D) A description of United States policy on sharing satellite imagery that has military significance and a discussion of the criteria for determining the imagery that has that significance.

(E) A description of the relationship between United States policy on the export of space launch vehicle technology and the Missile Technology Control Regime.

(F) An assessment of United States efforts to support the inclusion of additional countries in the Missile Technology Control Regime.

(G) An assessment of the ongoing efforts made by potential participant countries in the Missile Technology Control Regime to meet the guidelines established by the Missile Technology Control Regime.

(H) A discussion of the history of the space launch vehicle programs of other countries, including a discussion of the military origins and purposes of such programs and the current level of military involvement in such programs.

(3) The President shall submit the report in unclassified form, but may include a classified annex.

(4) The committees referred to in paragraph (1) are the following:

(A) The Committee on Armed Services and the Committee on Foreign Relations of the Senate.

(B) The Committee on National Security and the Committee on International Relations of the House of Representatives.

(5) For purposes of this subsection, the term "Missile Technology Control Regime" means the policy statement announced on April 16, 1987, between the United States, the United Kingdom, the Federal Republic of Germany, France, Italy, Canada, and Japan to restrict sensitive missile-relevant transfers based on the Missile Technology Control Regime Annex, and any amendment thereto.

50 USC app. 2404 note.

## SEC. 1323. DEPARTMENT OF DEFENSE REVIEW OF EXPORT LICENSES FOR CERTAIN BIOLOGICAL PATHOGENS.

(a) DEPARTMENT OF DEFENSE REVIEW.—Any application to the Secretary of Commerce for a license for the export of a class 2, class 3, or class 4 biological pathogen to a country identified to the Secretary under subsection (c) as a country that is known or suspected to have a biological weapons program shall be referred to the Secretary of Defense for review. The Secretary of Defense shall notify the Secretary of Commerce within 15 days after receipt of an application under the preceding sentence whether the export of such biological pathogen pursuant to the license would be contrary to the national security interests of the United States.

Notification.

(b) DENIAL OF LICENSE IF CONTRARY TO NATIONAL SECURITY INTEREST.—A license described in subsection (a) shall be denied by the Secretary of Commerce if it is determined that the export of such biological pathogen to that country would be contrary to the national security interests of the United States.

(c) IDENTIFICATION OF COUNTRIES KNOWN OR SUSPECTED TO HAVE A PROGRAM TO DEVELOP OFFENSIVE BIOLOGICAL WEAPONS.—(1) The Secretary of Defense shall determine, for the purposes of this section, those countries that are known or suspected to have a program to develop offensive biological weapons. Upon making such determination, the Secretary shall provide to the Secretary of Commerce a list of those countries.

Notification.

(2) The Secretary of Defense shall update the list under paragraph (1) on a regular basis. Whenever a country is added to or deleted from such list, the Secretary shall notify the Secretary of Commerce.

(3) Determination under this subsection of countries that are known or suspected to have a program to develop offensive biological weapons shall be made in consultation with the Secretary of State and the intelligence community.

(d) DEFINITION.—For purposes of this section, the term “class 2, class 3, or class 4 biological pathogen” means any biological pathogen that is characterized by the Centers for Disease Control as a class 2, class 3, or class 4 biological pathogen.

50 USC app. 2404 note.

## SEC. 1324. ANNUAL REPORTS ON IMPROVING EXPORT CONTROL MECHANISMS AND ON MILITARY ASSISTANCE.

(a) JOINT REPORTS BY SECRETARIES OF STATE AND COMMERCE.—Not later than April 1 of each of 1996 and 1997, the Secretary of State and the Secretary of Commerce shall submit to Congress a joint report, prepared in consultation with the Secretary of Defense, relating to United States export-control mechanisms. Each such report shall set forth measures to be taken to strengthen United States export-control mechanisms, including—

(1) steps being taken by each Secretary (A) to share on a regular basis the export licensing watchlist of that Secretary’s department with the other Secretary, and (B) to incorporate the export licensing watchlist data received from the other Secretary into the watchlist of that Secretary’s department;

(2) steps being taken by each Secretary to incorporate into the watchlist of that Secretary’s department similar data from systems maintained by the Department of Defense and the United States Customs Service; and

(3) a description of such further measures to be taken to strengthen United States export-control mechanisms as the Secretaries consider to be appropriate.

(b) REPORTS BY INSPECTORS GENERAL.—(1) Not later than April 1 of each of 1996 and 1997, the Inspector General of the Department of State and the Inspector General of the Department of Commerce shall each submit to Congress a report providing that official's evaluation of the effectiveness during the preceding year of the export licensing watchlist screening process of that official's department. The reports shall be submitted in both a classified and unclassified version.

(2) Each report of an Inspector General under paragraph (1) shall (with respect to that official's department)—

(A) set forth the number of export licenses granted to parties on the export licensing watchlist;

(B) set forth the number of end-use checks performed with respect to export licenses granted to parties on the export licensing watchlist the previous year;

(C) assess the screening process used in granting an export license when an applicant is on the export licensing watchlist; and

(D) assess the extent to which the export licensing watchlist contains all relevant information and parties required by statute or regulation.

(c) ANNUAL MILITARY ASSISTANCE REPORT.—The Foreign Assistance Act of 1961 is amended by inserting after section 654 (22 U.S.C. 2414) the following new section:

### "SEC. 655. ANNUAL REPORT ON MILITARY ASSISTANCE, MILITARY EXPORTS, AND MILITARY IMPORTS.

22 USC 2415.

"(a) REPORT REQUIRED.—Not later than February 1 of each of 1996 and 1997, the President shall transmit to Congress a report concerning military assistance authorized or furnished for the fiscal year ending the previous September 30.

President.

"(b) INFORMATION RELATING TO MILITARY ASSISTANCE AND MILITARY EXPORTS.—Each such report shall show the aggregate dollar value and quantity of defense articles (including excess defense articles) and defense services, and of military education and training, authorized or furnished by the United States to each foreign country and international organization. The report shall specify, by category, whether those articles and services, and that education and training, were furnished by grant under chapter 2 or chapter 5 of part II of this Act or by sale under chapter 2 of the Arms Export Control Act or were authorized by commercial sale licensed under section 38 of the Arms Export Control Act.

"(c) INFORMATION RELATING TO MILITARY IMPORTS.—Each such report shall also include the total amount of military items of non-United States manufacture that were imported into the United States during the fiscal year covered by the report. The report shall show the country of origin, the type of item being imported, and the total amount of items.".

### SEC. 1325. REPORT ON PERSONNEL REQUIREMENTS FOR CONTROL OF TRANSFER OF CERTAIN WEAPONS.

Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Energy shall submit to the committees of Congress referred to in subsection (c) of section 1154 of the National Defense Authorization Act for

Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1761) the report required under subsection (a) of that section. The Secretary of Defense and the Secretary of Energy shall include with the report an explanation of the failure of such Secretaries to submit the report in accordance with such subsection (a) and with all other previous requirements for the submittal of the report.

## Subtitle D—Burdensharing and Other Cooperative Activities Involving Allies and NATO

### SEC. 1331. ACCOUNTING FOR BURDENSHARING CONTRIBUTIONS.

(a) AUTHORITY TO MANAGE CONTRIBUTIONS IN LOCAL CURRENCY, ETC.—Subsection (b) of section 2350j of title 10, United States Code, is amended to read as follows:

"(b) ACCOUNTING.—Contributions accepted under subsection (a) which are not related to security assistance may be accepted, managed, and expended in dollars or in the currency of the host nation (or, in the case of a contribution from a regional organization, in the currency in which the contribution was provided). Any such contribution shall be placed in an account established for such purpose and shall remain available until expended for the purposes specified in subsection (c). The Secretary of Defense shall establish a separate account for such purpose for each country or regional organization from which such contributions are accepted under subsection (a).".

(b) CONFORMING AMENDMENT.—Subsection (d) of such section is amended by striking out "credited under subsection (b) to an appropriation account of the Department of Defense" and inserting in lieu thereof "placed in an account established under subsection (b)".

(c) TECHNICAL AMENDMENT.—Such section is further amended—

(1) in subsection (e)(1), by striking out "a report to the congressional defense committees" and inserting in lieu thereof "to the congressional committees specified in subsection (g) a report"; and

(2) by adding at the end the following new subsection:

"(g) CONGRESSIONAL COMMITTEES.—The congressional committees referred to in subsection (e)(1) are—

"(1) the Committee on Armed Services and the Committee on Appropriations of the Senate; and

"(2) the Committee on National Security and the Committee on Appropriations of the House of Representatives.".

### SEC. 1332. AUTHORITY TO ACCEPT CONTRIBUTIONS FOR EXPENSES OF RELOCATION WITHIN HOST NATION OF UNITED STATES ARMED FORCES OVERSEAS.

(a) IN GENERAL.—(1) Subchapter II of chapter 138 of title 10, United States Code, is amended by adding at the end the following new section:

### § 2350k. Relocation within host nation of elements of armed forces overseas

"(a) Authority To Accept Contributions.—The Secretary of efense may accept contributions from any nation because of or n support of the relocation of elements of the armed forces from r to any location within that nation. Such contributions may be ccepted in dollars or in the currency of the host nation. Any uch contribution shall be placed in an account established for uch purpose and shall remain available until expended for the urposes specified in subsection (b). The Secretary shall establish separate account for such purpose for each country from which uch contributions are accepted.

"(b) Use of Contributions.—The Secretary may use a contribution accepted under subsection (a) only for payment of costs ncurred in connection with the relocation concerning which the ontribution was made. Those costs include the following:

"(1) Design and construction services, including development and review of statements of work, master plans and designs, acquisition of construction, and supervision and administration of contracts relating thereto.

"(2) Transportation and movement services, including packing, unpacking, storage, and transportation.

"(3) Communications services, including installation and deinstallation of communications equipment, transmission of messages and data, and rental of transmission capability.

"(4) Supply and administration, including acquisition of expendable office supplies, rental of office space, budgeting and accounting services, auditing services, secretarial services, and translation services.

"(5) Personnel costs, including salary, allowances and overhead of employees whether full-time or part-time, temporary or permanent (except for military personnel), and travel and temporary duty costs.

"(6) All other clearly identifiable expenses directly related to relocation.

"(c) Method of Contribution.—Contributions may be ccepted in any of the following forms:

"(1) Irrevocable letter of credit issued by a financial institution acceptable to the Treasurer of the United States.

"(2) Drawing rights on a commercial bank account established and funded by the host nation, which account is blocked such that funds deposited cannot be withdrawn except by or with the approval of the United States.

"(3) Cash, which shall be deposited in a separate trust fund in the United States Treasury pending expenditure and which shall accrue interest in accordance with section 9702 of title 31.

"(d) Annual Report to Congress.—Not later than 30 days fter the end of each fiscal year, the Secretary shall submit to ongress a report specifying—

"(1) the amount of the contributions accepted by the Secretary during the preceding fiscal year under subsection (a) and the purposes for which the contributions were made; and

"(2) the amount of the contributions expended by the Secretary during the preceding fiscal year and the purposes for which the contributions were expended.".

(2) The table of sections at the beginning of subchapter II of chapter 138 of such title is amended by adding at the end the following new item:

"2350k. Relocation within host nation of elements of armed forces overseas.".

10 USC 2350k note.

(b) EFFECTIVE DATE.—Section 2350k of title 10, United States Code, as added by subsection (a), shall take effect on the date of the enactment of this Act and shall apply to contributions for relocation of elements of the Armed Forces in or to any nation received on or after such date.

### SEC. 1333. REVISED GOAL FOR ALLIED SHARE OF COSTS FOR UNITED STATES INSTALLATIONS IN EUROPE.

Section 1304(a) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2890) is amended—

(1) by inserting "(1)" after "so that"; and

(2) by inserting before the period at the end the following: ", and (2) by September 30, 1997, those nations have assumed 42.5 percent of such costs".

### SEC. 1334. EXCLUSION OF CERTAIN FORCES FROM EUROPEAN END STRENGTH LIMITATION.

(a) EXCLUSION OF MEMBERS PERFORMING DUTIES UNDER MILITARY-TO-MILITARY CONTACT PROGRAM.—Paragraph (3) of section 1002(c) of the Department of Defense Authorization Act, 1985 (22 U.S.C. 1928 note) is amended to read as follows:

"(3) For purposes of this subsection, the following members of the Armed Forces are excluded in calculating the end strength level of members of the Armed Forces of the United States assigned to permanent duty ashore in European member nations of NATO:

"(A) Members assigned to permanent duty ashore in Iceland, Greenland, and the Azores.

"(B) Members performing duties in Europe for more than 179 days under a military-to-military contact program under section 168 of title 10, United States Code.".

### SEC. 1335. COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENTS WITH NATO ORGANIZATIONS.

Section 2350b(e) of title 10, United States Code, is amended—

(1) in paragraph (1), by inserting "or a NATO organization" after "a participant (other than the United States)"; and

(2) in paragraph (2), by striking out "a cooperative project" and inserting in lieu thereof "such a cooperative project or a NATO organization".

### SEC. 1336. SUPPORT SERVICES FOR THE NAVY AT THE PORT OF HAIFA, ISRAEL.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense should promptly seek to undertake such actions as are necessary—

(1) to ensure that suitable port services are available to the Navy at the Port of Haifa, Israel; and

(2) to ensure the availability to the Navy of suitable services at that port in light of the continuing increase in commercial activities at the port.

(b) REPORT.—Not later than 30 days after the date of the enactment of this Act, the Secretary of the Navy shall submit to Congress a report on the availablity of port services for the

Navy in the eastern Mediterranean Sea region. The report shall specify—

(1) the services required by the Navy when calling at the port of Haifa, Israel; and

(2) the availability of those services at ports elsewhere in the region.

## Subtitle E—Other Matters

### SEC. 1341. PROHIBITION ON FINANCIAL ASSISTANCE TO TERRORIST COUNTRIES.

(a) PROHIBITION.—Subchapter I of chapter 134 of title 10, United States Code, is amended by adding at the end the following:

**"§ 2249a. Prohibition on providing financial assistance to terrorist countries**

"(a) PROHIBITION.—Funds available to the Department of Defense may not be obligated or expended to provide financial assistance to—

"(1) any country with respect to which the Secretary of State has made a determination under section 6(j)(1)(A) of the Export Administration Act of 1979 (50 App. 2405(j));

"(2) any country identified in the latest report submitted to Congress under section 140 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f), as providing significant support for international terrorism; or

"(3) any other country that, as determined by the President—

"(A) grants sanctuary from prosecution to any individual or group that has committed an act of international terrorism; or

"(B) otherwise supports international terrorism.

"(b) WAIVER.—(1) The President may waive the application of subsection (a) to a country if the President determines—

"(A) that it is in the national security interests of the United States to do so; or

"(B) that the waiver should be granted for humanitarian reasons.

"(2) The President shall—

President. Notification.

"(A) notify the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on National Security and the Committee on International Relations of the House of Representatives at least 15 days before the waiver takes effect; and

Federal Register, publication.

"(B) publish a notice of the waiver in the Federal Register.

"(c) DEFINITION.—In this section, the term 'international terrorism' has the meaning given that term in section 140(d) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f(d)).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter I of such chapter is amended by adding at the end the following:

"2249a. Prohibition on providing financial assistance to terrorist countries.".

18 USC 3181 note.

### SEC. 1342. JUDICIAL ASSISTANCE TO THE INTERNATIONAL TRIBUNAL FOR YUGOSLAVIA AND TO THE INTERNATIONAL TRIBUNAL FOR RWANDA.

(a) SURRENDER OF PERSONS.—

(1) APPLICATION OF UNITED STATES EXTRADITION LAWS.—Except as provided in paragraphs (2) and (3), the provisions of chapter 209 of title 18, United States Code, relating to the extradition of persons to a foreign country pursuant to a treaty or convention for extradition between the United States and a foreign government, shall apply in the same manner and extent to the surrender of persons, including United States citizens, to—

(A) the International Tribunal for Yugoslavia, pursuant to the Agreement Between the United States and the International Tribunal for Yugoslavia; and

(B) the International Tribunal for Rwanda, pursuant to the Agreement Between the United States and the International Tribunal for Rwanda.

(2) EVIDENCE ON HEARINGS.—For purposes of applying section 3190 of title 18, United States Code, in accordance with paragraph (1), the certification referred to in that section may be made by the principal diplomatic or consular officer of the United States resident in such foreign countries where the International Tribunal for Yugoslavia or the International Tribunal for Rwanda may be permanently or temporarily situated.

(3) PAYMENT OF FEES AND COSTS.—(A) The provisions of the Agreement Between the United States and the International Tribunal for Yugoslavia and of the Agreement Between the United States and the International Tribunal for Rwanda shall apply in lieu of the provisions of section 3195 of title 18, United States Code, with respect to the payment of expenses arising from the surrender by the United States of a person to the International Tribunal for Yugoslavia or the International Tribunal for Rwanda, respectively, or from any proceedings in the United States relating to such surrender.

(B) The authority of subparagraph (A) may be exercised only to the extent and in the amounts provided in advance in appropriations Acts.

(4) NONAPPLICABILITY OF THE FEDERAL RULES.—The Federal Rules of Evidence and the Federal Rules of Criminal Procedure do not apply to proceedings for the surrender of persons to the International Tribunal for Yugoslavia or the International Tribunal for Rwanda.

(b) ASSISTANCE TO FOREIGN AND INTERNATIONAL TRIBUNALS AND TO LITIGANTS BEFORE SUCH TRIBUNALS.—Section 1782(a) of title 28, United States Code, is amended by inserting in the first sentence after “foreign or international tribunal” the following: “, including criminal investigations conducted before formal accusation”.

(c) DEFINITIONS.—For purposes of this section:

(1) INTERNATIONAL TRIBUNAL FOR YUGOSLAVIA.—The term “International Tribunal for Yugoslavia” means the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law in the Territory of the Former Yugoslavia, as established by

United Nations Security Council Resolution 827 of May 25, 1993.

(2) INTERNATIONAL TRIBUNAL FOR RWANDA.—The term "International Tribunal for Rwanda" means the International Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighboring States, as established by United Nations Security Council Resolution 955 of November 8, 1994.

(3) AGREEMENT BETWEEN THE UNITED STATES AND THE INTERNATIONAL TRIBUNAL FOR YUGOSLAVIA.—The term "Agreement Between the United States and the International Tribunal for Yugoslavia" means the Agreement on Surrender of Persons Between the Government of the United States and the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Law in the Territory of the Former Yugoslavia, signed at The Hague, October 5, 1994.

(4) AGREEMENT BETWEEN THE UNITED STATES AND THE INTERNATIONAL TRIBUNAL FOR RWANDA.—The term "Agreement between the United States and the International Tribunal for Rwanda" means the Agreement on Surrender of Persons Between the Government of the United States and the International Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighboring States, signed at The Hague, January 24, 1995.

### SEC. 1343. SEMIANNUAL REPORTS CONCERNING UNITED STATES-PEOPLE'S REPUBLIC OF CHINA JOINT DEFENSE CONVERSION COMMISSION.

(a) REPORTS REQUIRED.—The Secretary of Defense shall submit to Congress a semiannual report on the United States-People's Republic of China Joint Defense Conversion Commission. Each such report shall include the following:

(1) A description of the extent to which the activities conducted in, through, or as a result of the Commission could have directly or indirectly assisted, or may directly or indirectly assist, the military modernization efforts of the People's Republic of China.

(2) A discussion of the activities and operations of the Commission, including—

(A) United States funding;

(B) a listing of participating United States officials;

(C) specification of meeting dates and locations (prospective and retrospective);

(D) summary of discussions; and

(E) copies of any agreements reached.

(3) A discussion of the relationship between the "defense conversion" activities of the People's Republic of China and its defense modernization efforts.

(4) A discussion of the extent to which United States business activities pursued, or proposed to be pursued, under the

imprimatur of the Commission, or the importation of western technology in general, contributes to the modernization of China's military industrial base, including any steps taken by the United States or by United States commercial entities to safeguard the technology or intellectual property rights associated with any materials or information transferred.

(5) An assessment of the benefits derived by the United States from its participation in the Commission, including whether or to what extent United States participation in the Commission has resulted or will result in the following:

(A) Increased transparency in the current and projected military budget and doctrine of the People's Republic of China.

(B) Improved behavior and cooperation by the People's Republic of China in the areas of missile and nuclear proliferation.

(C) Increased transparency in the plans of the People's Republic of China's for nuclear and missile force modernization and testing.

(6) Efforts undertaken by the Secretary of Defense to—

(A) establish a list of enterprises controlled by the People's Liberation Army, including those which have been successfully converted to produce products solely for civilian use; and

(B) provide estimates of the total revenues of those enterprises.

(7) A description of current or proposed mechanisms for improving the ability of the United States to track the flow of revenues from the enterprises specified on the list established under paragraph (6)(A).

(b) SUBMITTAL OF REPORTS.—A report shall be submitted under subsection (a) not later than August 1 of each year with respect to the first six months of that year and shall be submitted not later than February 1 of each year with respect to the last six months of the preceding year. The first report under such subsection shall be submitted not less than 60 days after the date of the enactment of this Act and shall apply with respect to the six-month period preceding the date of the enactment of this Act.

(c) FINAL REPORT UPON TERMINATION OF COMMISSION.—Upon the termination of the United States-People's Republic of China Joint Defense Conversion Commission, the Secretary of Defense shall submit a final report under this section covering the period from the end of the period covered by the last such report through the termination of the Commission, and subsection (a) shall cease to apply after the submission of such report.

# TITLE XIV—ARMS CONTROL MATTERS

## SEC. 1401. REVISION OF DEFINITION OF LANDMINE FOR PURPOSES OF LANDMINE EXPORT MORATORIUM.

Section 1423(d) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1832) is amended—

(1) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(2) in subparagraph (C), as so redesignated, by striking out "by remote control or";

(3) by inserting "(1)" before "For purposes of"; and

(4) by adding at the end the following new paragraph:

"(2) The term does not include command detonated antipersonnel land mines (such as the M18A1 'Claymore' mine).".

### SEC. 1402. REPORTS ON MORATORIUM ON USE BY ARMED FORCES OF ANTIPERSONNEL LANDMINES.

Not later than April 30 of each of 1996, 1997, and 1998, the Chairman of the Joint Chiefs of Staff shall submit to the congressional defense committees a report on the projected effects of a moratorium on the defensive use of antipersonnel mines and antitank mines by the Armed Forces. The report shall include a discussion of the following matters:

(1) The extent to which current doctrine and practices of the Armed Forces on the defensive use of antipersonnel mines and antitank mines adhere to applicable international law.

(2) The effects that a moratorium would have on the defensive use of the current United States inventory of remotely delivered, self-destructing antitank systems, antipersonnel mines, and antitank mines.

(3) The reliability of the self-destructing antipersonnel mines and self-destructing antitank mines of the United States.

(4) The cost of clearing the antipersonnel minefields currently protecting Naval Station Guantanamo Bay, Cuba, and other United States installations.

(5) The cost of replacing antipersonnel mines in such minefields with substitute systems such as the Claymore mine, and the level of protection that would be afforded by use of such a substitute.

(6) The extent to which the defensive use of antipersonnel mines and antitank mines by the Armed Forces is a source of civilian casualties around the world, and the extent to which the United States, and the Department of Defense particularly, contributes to alleviating the illegal and indiscriminate use of such munitions.

(7) The extent to which the threat to the security of United States forces during operations other than war and combat operations would increase as a result of such a moratorium.

### SEC. 1403. EXTENSION AND AMENDMENT OF COUNTER-PROLIFERATION AUTHORITIES.

(a) ONE-YEAR EXTENSION OF PROGRAM.—Section 1505 of the Weapons of Mass Destruction Control Act of 1992 (title XV of Public Law 102–484; 22 U.S.C. 5859a) is amended—

(1) in subsection (a), by striking out "during fiscal years 1994 and 1995";

(2) in subsection (e)(1), by striking out "fiscal years 1994 and 1995" and inserting in lieu thereof "a fiscal year during which the authority of the Secretary of Defense to provide assistance under this section is in effect"; and

(3) by adding at the end the following new subsection:

"(f) TERMINATION OF AUTHORITY.—The authority of the Secretary of Defense to provide assistance under this section terminates at the close of fiscal year 1996.".

(b) PROGRAM AUTHORITIES.—(1) Subsections (b)(2) and (d)(3) of such section are amended by striking out "the On-Site Inspection Agency" and inserting in lieu thereof "the Department of Defense".

(2) Subsection (c)(3) of such section is amended by striking out "will be counted" and all that follows and inserting in lieu thereof "will be counted as discretionary spending in the national defense budget function (function 050).".

(c) AMOUNT OF ASSISTANCE.—Subsection (d) of such section is amended—

(1) in paragraph (1)—

(A) by striking out "for fiscal year 1994" the first place it appears and all that follows through the period at the end of the second sentence and inserting in lieu thereof "for any fiscal year shall be derived from amounts made available to the Department of Defense for that fiscal year."; and

(B) by striking out "referred to in this paragraph"; and

(2) in paragraph (3)—

(A) by striking out "may not exceed" and all that follows through "1995"; and

(B) by inserting before the period at the end the following: ", may not exceed $25,000,000 for fiscal year 1994, $20,000,000 for fiscal year 1995, or $15,000,000 for fiscal year 1996".

### SEC. 1404. LIMITATION ON RETIREMENT OR DISMANTLEMENT OF STRATEGIC NUCLEAR DELIVERY SYSTEMS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that, unless and until the START II Treaty enters into force, the Secretary of Defense should not take any action to retire or dismantle, or to prepare to retire or dismantle, any of the following strategic nuclear delivery systems:

(1) B–52H bomber aircraft.

(2) Trident ballistic missile submarines.

(3) Minuteman III intercontinental ballistic missiles.

(4) Peacekeeper intercontinental ballistic missiles.

(b) LIMITATION ON USE OF FUNDS.—Funds available to the Department of Defense may not be obligated or expended during fiscal year 1996 for retiring or dismantling, or for preparing to retire or dismantle, any of the strategic nuclear delivery systems specified in subsection (a).

### SEC. 1405. CONGRESSIONAL FINDINGS AND SENSE OF CONGRESS CONCERNING TREATY VIOLATIONS.

(a) REAFFIRMATION OF PRIOR FINDINGS CONCERNING THE KRASNOYARSK RADAR.—Congress, noting its previous findings with respect to the large phased-array radar of the Soviet Union known as the "Krasnoyarsk radar" stated in paragraphs (1) through (4) of section 902(a) of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100–180; 101 Stat. 1135) (and reaffirmed in section 1006(a) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1543)), hereby reaffirms those findings as follows:

(1) The 1972 Anti-Ballistic Missile Treaty prohibits each party from deploying ballistic missile early warning radars except at locations along the periphery of its national territory and oriented outward.

(2) The 1972 Anti-Ballistic Missile Treaty prohibits each party from deploying an ABM system to defend its national

territory and from providing a base for any such nationwide defense.

(3) Large phased-array radars were recognized during negotiation of the Anti-Ballistic Missile Treaty as the critical long lead-time element of a nationwide defense against ballistic missiles.

(4) In 1983 the United States discovered the construction, in the interior of the Soviet Union near the town of Krasnoyarsk, of a large phased-array radar that has subsequently been judged to be for ballistic missile early warning and tracking.

(b) Further Reference to 1987 Congressional State-
nts.—Congress further notes that in section 902 of the National
fense Authorization Act for Fiscal Years 1988 and 1989 (Public
w 100–180; 101 Stat. 1135) Congress also—

(1) noted that the President had certified that the Krasnoyarsk radar was an unequivocal violation of the 1972 Anti-Ballistic Missile Treaty; and

(2) stated it to be the sense of the Congress that the Soviet Union was in violation of its legal obligation under that treaty.

(c) Further Reference to 1989 Congressional State-
nts.—Congress further notes that in section 1006(b) of the
tional Defense Authorization Act for Fiscal Years 1990 and 1991
ublic Law 101–189; 103 Stat. 1543) Congress also—

(1) again noted that in 1987 the President declared that radar to be a clear violation of the 1972 Anti-Ballistic Missile Treaty and noted that on October 23, 1989, the Foreign Minister of the Soviet Union conceded that the Krasnoyarsk radar is a violation of the 1972 Anti-Ballistic Missile Treaty; and

(2) stated it to be the sense of the Congress that the Soviet Union should dismantle the Krasnoyarsk radar expeditiously and without conditions and that until such radar was completely dismantled it would remain a clear violation of the 1972 Anti-Ballistic Missile Treaty.

Y.V. Votintsev.

(d) Additional Findings.—Congress also finds, with respect
the Krasnoyarsk radar, that retired Soviet General Y.V.
otintsev, Director of the Soviet National Air Defense Forces from
67 to 1985, has publicly stated—

(1) that he was directed by the Chief of the Soviet General staff to locate the large phased-array radar at Krasnoyarsk despite the recognition by Soviet authorities that the location of such a radar at that location would be a clear violation of the 1972 Anti-Ballistic Missile Treaty; and

D.F. Ustinov.

(2) that Marshal D.F. Ustinov, Soviet Minister of Defense, threatened to relieve from duty any Soviet officer who continued to object to the construction of a large-phased array radar at Krasnoyarsk.

(e) Sense of Congress Concerning Soviet Treaty Viola-
ons.—It is the sense of Congress that the government of the
oviet Union intentionally violated its legal obligations under the
72 Anti-Ballistic Missile Treaty in order to advance its national
curity interests.

(f) Sense of Congress Concerning Compliance by Russia
ith Arms Control Obligations.—In light of subsections (a)
rough (e), it is the sense of Congress that the United States
ould remain vigilant in ensuring compliance by Russia with its

arms control obligations and should, when pursuing future arm control agreements with Russia, bear in mind violations of arm control obligations by the Soviet Union.

### SEC. 1406. SENSE OF CONGRESS ON RATIFICATION OF CHEMICA WEAPONS CONVENTION AND START II TREATY.

(a) FINDINGS.—Congress makes the following findings:

(1) Proliferation of chemical or nuclear weapons materia poses a danger to United States national security, and th threat or use of such materials by terrorists would direct threaten United States citizens at home and abroad.

(2) Events such as the March 1995 terrorist release a chemical nerve agent in the Tokyo subway, the threaten use of chemical weapons during the 1991 Persian Gulf Wa and the widespread use of chemical weapons during the Ira Iraq War of the 1980's are all potent reminders of the mena posed by chemical weapons, of the fact that the threat chemical weapons is not sufficiently addressed, and of the ne to outlaw the development, production, and possession of chen cal weapons.

George Bush.

(3) The Chemical Weapons Convention negotiated a signed by President Bush would make it more difficult f would-be proliferators, including terrorists, to acquire or u chemical weapons, if ratified and fully implemented, as sign by all signatories.

John Shalikashvili.

(4) United States military authorities, including Chairm of the Joint Chiefs of Staff General John Shalikashvili, ha stated that United States military forces will deter and respo to chemical weapons threats with a robust chemical defer and an overwhelming superior conventional response, as de onstrated in the Persian Gulf War, and have testified in supp of the ratification of the Chemical Weapons Convention.

(5) The United States intelligence community has testifi that the Convention will provide new and important sour of information, through regular data exchanges and routi and challenge inspections, to improve the ability of the Unit States to assess the chemical weapons status in countries concern.

(6) The Convention has not entered into force for la of the requisite number of ratifications.

(7) Russia has signed the Convention, but has not ratified it.

(8) There have been reports by Russian sources of continu Russian production and testing of chemical weapons, includi a statement by a spokesman of the Russian Ministry of Defen on December 5, 1994, that "We cannot say that all chemi weapons production and testing has stopped altogether.".

(9) The Convention will impose a legally binding obligat on Russia and other nations that possess chemical weapo and that ratify the Convention to cease offensive chemi weapons activities and to destroy their chemical weapons sto piles and production facilities.

(10) The United States must be prepared to exercise fu its rights under the Convention, including the request of ch lenge inspections when warranted, and to exercise leaders in pursuing punitive measures against violators of the Conv tion, when warranted.

(11) The United States should strongly encourage full implementation at the earliest possible date of the terms and conditions of the United States-Russia bilateral chemical weapons destruction agreement signed in 1990.

(12) The START II Treaty negotiated and signed by President Bush would help reduce the danger of potential proliferators, including terrorists, acquiring nuclear warheads and materials, and would contribute to United States-Russian bilateral efforts to secure and dismantle nuclear warheads, if ratified and fully implemented as signed by both parties.

(13) It is in the national security interest of the United States to take effective steps to make it more difficult for proliferators or would-be terrorists to obtain chemical or nuclear materials for use in weapons.

(14) The President has urged prompt Senate action on, and advice and consent to ratification of, the START II Treaty and the Chemical Weapons Convention.

(15) The Chairman of the Joint Chiefs of Staff has testified to Congress that ratification and full implementation of both treaties by all parties is in the United States national interest and has strongly urged prompt Senate advice and consent to their ratification.

(b) SENSE OF CONGRESS.—It is the sense of Congress that e United States, Russia, and all other parties to the START Treaty and the Chemical Weapons Convention should promptly tify and fully implement, as negotiated, both treaties.

## EC. 1407. IMPLEMENTATION OF ARMS CONTROL AGREEMENTS.

(a) FUNDING.—Of the amounts appropriated pursuant to thorizations in sections 102, 103, 104, 201, and 301, the Secretary Defense may use an amount not to exceed $239,941,000 for nplementing arms control agreements to which the United States a party.

(b) LIMITATION.—(1) Funds made available pursuant to subction (a) for the costs of implementing an arms control agreement ay not (except as provided in paragraph (2)) be used to reimburse penses incurred by any other party to the agreement for which ithout regard to any executive agreement or any policy not part an arms control agreement)—

(A) the other party is responsible under the terms of the arms control agreement; and

(B) the United States has no responsibility under the agreement.

(2) The limitation in paragraph (1) does not apply to a use funds to carry out an arms control expenses reimbursement licy of the United States described in subsection (c).

(c) COVERED ARMS CONTROL EXPENSES REIMBURSEMENT POLIES.—Subsection (b)(2) applies to a policy of the United States reimburse expenses incurred by another party to an arms control greement if—

(1) the policy does not modify any obligation imposed by the arms control agreement;

(2) the President—

(A) issued or approved the policy before the date of the enactment of this Act; or

(B) entered into an agreement on the policy with the government of another country or approved an agreement on the policy entered into by an official of the Unit States and the government of another country; and

(3) the President has notified the designated congressior committees of the policy or the policy agreement (as the ca may be), in writing, at least 30 days before the date on whi the President issued or approved the policy or has enter into or approved the policy agreement.

(d) Definitions.—For the purposes of this section:

(1) The term "arms control agreement" means an ar control treaty or other form of international arms control agr ment.

(2) The term "executive agreement" means an internatioı agreement entered into by the President that is not authoriz by law or entered into as a Treaty to which the Senate h given its advice and consent to ratification.

(3) The term "designated congressional committees" mea the following:

(A) The Committee on Foreign Relations, the Comm tee on Armed Services, and the Committee on Appropr tions of the Senate.

(B) The Committee on International Relations, t Committee on National Security, and the Committee Appropriations of the House of Representatives.

### SEC. 1408. IRAN AND IRAQ ARMS NONPROLIFERATION.

(a) Sanctions Against Transfers of Persons.—Sect 1604(a) of the Iran-Iraq Arms Non-Proliferation Act of 1992 (ti XVI of Public Law 102–484; 50 U.S.C. 1701 note) is amend by inserting "to acquire chemical, biological, or nuclear weap or" before "to acquire".

50 USC 1701 note.

(b) Sanctions Against Transfers of Foreign Countries Section 1605(a) of such Act is amended by inserting "to acqu chemical, biological, or nuclear weapons or" before "to acqui

50 USC 1701 note.

(c) Clarification of United States Assistance.—Subpa graph (A) of section 1608(7) of such Act is amended to read follows:

"(A) any assistance under the Foreign Assistance of 1961 (22 U.S.C. 2151 et seq.), other than urgent huma tarian assistance or medicine;".

(d) Notification of Certain Waivers Under MTCR Pro dures.—Section 73(e)(2) of the Arms Export Control Act (22 U.S 2797b(e)(2)) is amended—

(1) by striking out "the Congress" and inserting in l thereof "the Committee on Armed Services and the Commit on Foreign Relations of the Senate and the Committee National Security and the Committee on International R tions of the House of Representatives"; and

(2) by striking out "20 working days" and inserting lieu thereof "45 working days".

# TITLE XV—TECHNICAL AND CLERICAL AMENDMENTS

## EC. 1501. AMENDMENTS RELATED TO RESERVE OFFICER PERSONNEL MANAGEMENT ACT.

(a) PUBLIC LAW 103–337.—The Reserve Officer Personnel Management Act (title XVI of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337)) is amended as ollows:

(1) Section 1624 (108 Stat. 2961) is amended— 10 USC 620.

(A) by striking out "641" and all that follows through "(2)" and inserting in lieu thereof "620 is amended"; and

(B) by redesignating as subsection (d) the subsection added by the amendment made by that section.

(2) Section 1625 (108 Stat. 2962) is amended by striking out "Section 689" and inserting in lieu thereof "Section 12320". 10 USC 12320.

(3) Section 1626(1) (108 Stat. 2962) is amended by striking out "(W–5)" in the second quoted matter therein and inserting in lieu thereof ", W–5,". 10 USC 741.

(4) Section 1627 (108 Stat. 2962) is amended by striking out "Section 1005(b)" and inserting in lieu thereof "Section 12645(b)". 10 USC 12645.

(5) Section 1631 (108 Stat. 2964) is amended—

(A) in subsection (a), by striking out "Section 510" and inserting in lieu thereof "Section 12102"; and 10 USC 12102.

(B) in subsection (b), by striking out "Section 591" and inserting in lieu thereof "Section 12201". 10 USC 12201.

(6) Section 1632 (108 Stat. 2965) is amended by striking out "Section 593(a)" and inserting in lieu thereof "Section 12203(a)". 10 USC 12203.

(7) Section 1635(a) (108 Stat. 2968) is amended by striking out "section 1291" and inserting in lieu thereof "section 1691(b)". 10 USC 3853 note.

(8) Section 1671 (108 Stat. 3013) is amended—

(A) in subsection (b)(3), by striking out "512, and 517" and inserting in lieu thereof "and 512"; and

(B) in subsection (c)(2), by striking out the comma after "861" in the first quoted matter therein. 10 USC 113.

(9) Section 1684(b) (108 Stat. 3024) is amended by striking out "section 14110(d)" and inserting in lieu thereof "section 14111(c)". 10 USC 14310 note.

(b) SUBTITLE E OF TITLE 10.—Subtitle E of title 10, United States Code, is amended as follows:

(1) The tables of chapters preceding part I and at the beginning of part IV are amended by striking out "Repayments" in the item relating to chapter 1609 and inserting in lieu thereof "Repayment Programs".

(2)(A) The heading for section 10103 is amended to read as follows:

**§ 10103. Basic policy for order into Federal service".**

(B) The item relating to section 10103 in the table of sections at the beginning of chapter 1003 is amended to read as follows:

10103. Basic policy for order into Federal service.".

(3) The table of sections at the beginning of chapter 100 is amended by striking out the third word in the item relatin to section 10142.

(4) The table of sections at the beginning of chapter 100 is amended—

(A) by striking out the third word in the item relatin to section 10205; and

(B) by capitalizing the initial letter of the sixth wor in the item relating to section 10211.

(5) The table of sections at the beginning of chapter 101 is amended by inserting "Sec." at the top of the column c section numbers.

(6) Section 10507 is amended—

(A) by striking out "section 124402(b)" and insertin in lieu thereof "section 12402(b)"; and

(B) by striking out "Air Forces" and inserting in lie thereof "Air Force".

(7)(A) Section 10508 is repealed.

(B) The table of sections at the beginning of chapter 101 is amended by striking out the item relating to section 1050

(8) Section 10542 is amended by striking out subsectio (d).

(9) Section 12004(a) is amended by striking out "activ status" and inserting in lieu thereof "active status".

(10) Section 12012 is amended by inserting "**the**" in th section heading before the penultimate word.

(11)(A) The heading for section 12201 is amended to rea as follows:

**"§ 12201. Reserve officers: qualifications for appointment**

(B) The item relating to that section in the table of sectior at the beginning of chapter 1205 is amended to read as follow

"12201. Reserve officers: qualifications for appointment.".

(12)(A) The heading for section 12209 is amended to rea as follows:

**"§ 12209. Officer candidates: enlisted Reserves".**

(B) The heading for section 12210 is amended to rea as follows:

**"§ 12210. Attending Physician to the Congress: reserve grad while so serving".**

(13)(A) The headings for sections 12211, 12212, 1221 and 12214 are amended by inserting "**the**" after "**Nation Guard of**"

(B) The table of sections at the beginning of chapter 12 is amended by inserting "the" in the items relating to sectior 12211, 12212, 12213, and 12214 after "National Guard of

(14) Section 12213(a) is amended by striking out "sectio 593" and inserting in lieu thereof "section 12203".

(15) The table of sections at the beginning of chapter 12 is amended by striking out "promotions" in the item relatir to section 12243 and inserting in lieu thereof "promotion

(16) The table of sections at the beginning of chapter 12 is amended—

(A) in the item relating to section 12304, by striking out the colon and inserting in lieu thereof a semicolon; and

(B) in the item relating to section 12308, by striking out the second, third, and fourth words.

(17) Section 12307 is amended by striking out "Ready Reserve" in the second sentence and inserting in lieu thereof "Retired Reserve".

(18)(A) The table of sections at the beginning of chapter 1211 is amended by inserting "the" in the items relating to sections 12401, 12402, 12403, and 12404 after "Army and Air National Guard of".

(B) The headings for sections 12402, 12403, and 12404 are amended by inserting "**the**" after "**Army and Air National Guard of**"

(19) Section 12407(b) is amended—

(A) by striking out "of those jurisdictions" and inserting in lieu thereof "State"; and

(B) by striking out "jurisdictions" and inserting in lieu thereof "States".

(20) Section 12731(f) is amended by striking out "the date of the enactment of this subsection" and inserting in lieu thereof "October 5, 1994,".

(21) Section 12731a(c)(3) is amended by inserting a comma after "Defense Conversion".

(22) Section 14003 is amended by inserting "**lists**" in the section heading immediately before the colon.

(23) The table of sections at the beginning of chapter 1403 is amended by striking out "selection board" in the item relating to section 14105 and inserting in lieu thereof "promotion board".

(24) The table of sections at the beginning of chapter 1405 is amended—

(A) in the item relating to section 14307, by striking out "Numbers" and inserting in lieu thereof "Number";

(B) in the item relating to section 14309, by striking out the colon and inserting in lieu thereof a semicolon; and

(C) in the item relating to section 14314, by capitalizing the initial letter of the antepenultimate word.

(25) Section 14315(a) is amended by striking out "a Reserve officer" and inserting in lieu thereof "a reserve officer".

(26) Section 14317(e) is amended—

(A) by inserting "OFFICERS ORDERED TO ACTIVE DUTY IN TIME OF WAR OR NATIONAL EMERGENCY.—" after "(e)"; and

(B) by striking out "section 10213 or 644" and inserting in lieu thereof "section 123 or 10213".

(27) The table of sections at the beginning of chapter 1407 is amended—

(A) in the item relating to section 14506, by inserting "reserve" after "Marine Corps and"; and

(B) in the item relating to section 14507, by inserting "reserve" after "Removal from the"; and

(C) in the item relating to section 14509, by inserting "in grades" after "reserve officers".

(28) Section 14501(a) is amended by inserting "OFFICER BELOW THE GRADE OF COLONEL OR NAVY CAPTAIN.—" afte "(a)".

(29) The heading for section 14506 is amended by insertin a comma after "**Air Force**".

(30) Section 14508 is amended by striking out "this" afte "from an active status under" in subsections (c) and (d).

(31) Section 14515 is amended by striking out "inactiv status" and inserting in lieu thereof "inactive-status".

(32) Section 14903(b) is amended by striking out "chapter and inserting in lieu thereof "title".

(33) The table of sections at the beginning of chapter 160 is amended in the item relating to section 16133 by strikin out "limitations" and inserting in lieu thereof "limitation".

(34) Section 16132(c) is amended by striking out "section and inserting in lieu thereof "sections".

(35) Section 16135(b)(1)(A) is amended by striking out "section 2131(a)" and inserting in lieu thereof "section 16131(a)"

(36) Section 18236(b)(1) is amended by striking out "sectio 2233(e)" and inserting in lieu thereof "section 18233(e)".

(37) Section 18237 is amended—

(A) in subsection (a), by striking out "sectio 2233(a)(1)" and inserting in lieu thereof "sectio 18233(a)(1)"; and

(B) in subsection (b), by striking out "section 2233(a) and inserting in lieu thereof "section 18233(a)".

Effective date. 10 USC 101 note.

(c) OTHER PROVISIONS OF TITLE 10.—Effective as of Decembe 1, 1994 (except as otherwise expressly provided), and as if include as amendments made by the Reserve Officer Personnel Management Act (title XVI of Public Law 103–360) as originally enacte title 10, United States Code, is amended as follows:

(1) Section 101(d)(6)(B)(i) is amended by striking out "section 175" and inserting in lieu thereof "section 10301".

(2) Section 114(b) is amended by striking out "chapte 133" and inserting in lieu thereof "chapter 1803".

(3) Section 115(d) is amended—

(A) in paragraph (1), by striking out "section 673 and inserting in lieu thereof "section 12302";

(B) in paragraph (2), by striking out "section 673b and inserting in lieu thereof "section 12304"; and

(C) in paragraph (3), by striking out "section 350 or 8500" and inserting in lieu thereof "section 12406"

(4) Section 123(a) is amended—

(A) by striking out "281, 592, 1002, 1005, 1006, 100 1374, 3217, 3218, 3219, 3220, 3352(a) (last sentence)," "5414, 5457, 5458, 5506,", and "8217, 8218, 8219,"; an

(B) by striking out "and 8855" and inserting in lie thereof "8855, 10214, 12003, 12004, 12005, 12007, 1220 12213(a) (second sentence), 12642, 12645, 12646, 1264 12771, 12772, and 12773".

(5) Section 582(1) is amended by striking out "sectio 672(d)" in subparagraph (B) and "section 673b" in subparagrap (D) and inserting in lieu thereof "section 12301(d)" and "sectio 12304", respectively.

(6) Section 641(1)(B) is amended by striking out "1050 and inserting in lieu thereof "10502, 10505, 10506(a), 10506(b 10507".

(7) The table of sections at the beginning of chapter 39 is amended by striking out the items relating to sections 687 and 690.

(8) Sections 1053(a)(1) and 1064 are amended by striking out "chapter 67" and inserting in lieu thereof "chapter 1223".

(9) Section 1063(a)(1) is amended by striking out "section 1332(a)(2)" and inserting in lieu thereof "section 12732(a)(2)".

(10) Section 1074b(b)(2) is amended by striking out "section 673c" and inserting in lieu thereof "section 12305".

(11) Section 1076(b)(2)(A) is amended by striking out "before the effective date of the Reserve Officer Personnel Management Act" and inserting in lieu thereof "before December 1, 1994".

(12) Section 1176(b) is amended by striking out "section 1332" in the matter preceding paragraph (1) and in paragraphs (1) and (2) and inserting in lieu thereof "section 12732".

(13) Section 1208(b) is amended by striking out "section 1333" and inserting in lieu thereof "section 12733".

(14) Section 1209 is amended by striking out "section 1332", "section 1335", and "chapter 71" and inserting in lieu thereof "section 12732", "section 12735", and "section 12739", respectively.

(15) Section 1407 is amended—

(A) in subsection (c)(1) and (d)(1), by striking out "section 1331" and inserting in lieu thereof "section 12731"; and

(B) in the heading for paragraph (1) of subsection (d), by striking out "CHAPTER 67" and inserting in lieu thereof "CHAPTER 1223".

(16) Section 1408(a)(5) is amended by striking out "section 1331" and inserting in lieu thereof "section 12731".

(17) Section 1431(a)(1) is amended by striking out "section 1376(a)" and inserting in lieu thereof "section 12774(a)".

(18) Section 1463(a)(2) is amended by striking out "chapter 67" and inserting in lieu thereof "chapter 1223".

(19) Section 1482(f)(2) is amended by inserting "section" before "12731 of this title".

(20) The table of sections at the beginning of chapter 533 is amended by striking out the item relating to section 5454.

(21) Section 2006(b)(1) is amended by striking out "chapter 106 of this title" and inserting in lieu thereof "chapter 1606 of this title".

Effective date.

(22) Section 2121(c) is amended by striking out "section 3353, 5600, or 8353" and inserting in lieu thereof "section 12207", effective on the effective date specified in section 1691(b)(1) of Public Law 103–337.

(23) Section 2130a(b)(3) is amended by striking out "section 591" and inserting in lieu thereof "section 12201".

(24) The table of sections at the beginning of chapter 337 is amended by striking out the items relating to section 3351 and 3352.

(25) Sections 3850, 6389(c), 6391(c), and 8850 are amended by striking out "section 1332" and inserting in lieu thereof "section 12732".

Effective date.

(26) Section 5600 is repealed, effective on the effective date specified in section 1691(b)(1) of Public Law 103–337.

(27) Section 5892 is amended by striking out "section 545 or section 5458" and inserting in lieu thereof "section 1200 or section 12005".

(28) Section 6410(a) is amended by striking out "sectio 1005" and inserting in lieu thereof "section 12645".

(29) The table of sections at the beginning of chapter 83 is amended by striking out the items relating to section 835 and 8352.

(30) Section 8360(b) is amended by striking out "sectio 1002" and inserting in lieu thereof "section 12642".

(31) Section 8380 is amended by striking out "section 52 in subsections (a) and (b) and inserting in lieu thereof "sectio 12011".

(32) Sections 8819(a), 8846(a), and 8846(b) are amende by striking out "sections 1005 and 1006" and inserting in lie thereof "sections 12645 and 12646".

(33) Section 8819 is amended by striking out "section 100 and "section 1006" and inserting in lieu thereof "section 1264 and "section 12646", respectively.

(d) CROSS REFERENCES IN OTHER DEFENSE LAWS.—

10 USC 2466 note.

(1) Section 337(b) of the National Defense Authorizatio Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 271 is amended by inserting before the period at the end the follo ing: "or who after November 30, 1994, transferred to the Retir Reserve under section 10154(2) of title 10, United States Cod without having completed the years of service required und section 12731(a)(2) of such title for eligibility for retired p under chapter 1223 of such title".

10 USC 12321 note.

(2) Section 525 of the National Defense Authorization A for Fiscal Years 1992 and 1993 (Public Law 102–190, 1 Stat. 1363) is amended by striking out "section 690" and inser ing in lieu thereof "section 12321".

(3) Subtitle B of title XLIV of the National Defen Authorization Act for Fiscal Year 1993 (Public Law 102–48 10 U.S.C. 12681 note) is amended—

106 Stat. 2714.

(A) in section 4415, by striking out "section 1331 and inserting in lieu thereof "section 12731a";

106 Stat. 2714.

(B) in subsection 4416—

(i) in subsection (a), by striking out "section 133 and inserting in lieu thereof "section 12731";

(ii) in subsection (b)—

(I) by inserting "or section 12732" in par graph (1) after "under that section"; and

(II) by inserting "or 12731(a)" in paragra (2) after "section 1331(a)";

(iii) in subsection (e)(2), by striking out "secti 1332" and inserting in lieu thereof "section 1273 and

(iv) in subsection (g), by striking out "secti 1331a" and inserting in lieu thereof "section 12731 and

106 Stat. 2717.

(C) in section 4418—

(i) in subsection (a), by striking out "section 133 and inserting in lieu thereof "section 12732"; and

(ii) in subsection (b)(1)(A), by striking out "secti 1333" and inserting in lieu thereof "section 1273

(4) Title 37, United States Code, is amended—

(A) in section 302f(b), by striking out “section 673c of title 10” in paragraphs (2) and (3)(A) and inserting in lieu thereof “section 12305 of title 10”; and

(B) in section 433(a), by striking out “section 687 of title 10” and inserting in lieu thereof “section 12319 of title 10”.

(e) CROSS REFERENCES IN OTHER LAWS.—

(1) Title 14, United States Code, is amended—

(A) in section 705(f), by striking out “600 of title 10” and inserting in lieu thereof “12209 of title 10”; and

(B) in section 741(c), by striking out “section 1006 of title 10” and inserting in lieu thereof “section 12646 of title 10”.

(2) Title 38, United States Code, is amended—

(A) in section 3011(d)(3), by striking out “section 672, 673, 673b, 674, or 675 of title 10” and inserting in lieu thereof “section 12301, 12302, 12304, 12306, or 12307 of title 10”;

(B) in sections 3012(b)(1)(B)(iii) and 3701(b)(5)(B), by striking out “section 268(b) of title 10” and inserting in lieu thereof “section 10143(a) of title 10”;

(C) in section 3501(a)(3)(C), by striking out “section 511(d) of title 10” and inserting in lieu thereof “section 12103(d) of title 10”; and

(D) in section 4211(4)(C), by striking out “section 672(a), (d), or (g), 673, or 673b of title 10” and inserting in lieu thereof “section 12301(a), (d), or (g), 12302, or 12304 of title 10”.

(3) Section 702(a)(1) of the Soldiers’ and Sailors’ Civil Relief Act of 1940 (50 U.S.C. App. 592(a)(1)) is amended—

(A) by striking out “section 672 (a) or (g), 673, 673b, 674, 675, or 688 of title 10” and inserting in lieu thereof “section 688, 12301(a), 12301(g), 12302, 12304, 12306, or 12307 of title 10”; and

(B) by striking out “section 672(d) of such title” and inserting in lieu thereof “section 12301(d) of such title”.

(4) Section 463A of the Higher Education Act of 1965 (20 U.S.C. 1087cc–1) is amended in subsection (a)(10) by striking out “(10 U.S.C. 2172)” and inserting in lieu thereof “(10 U.S.C. 16302)”.

(5) Section 179 of the National and Community Service Act of 1990 (42 U.S.C. 12639) is amended in subsection (a)(2)(C) by striking out “section 216(a) of title 5” and inserting in lieu thereof “section 10101 of title 10”.

(f) EFFECTIVE DATES.—

(1) Section 1636 of the Reserve Officer Personnel Management Act shall take effect on the date of the enactment of this Act. 10 USC 12213 note.

(2) The amendments made by sections 1672(a), 1673(a) (with respect to chapters 541 and 549), 1673(b)(2), 1673(b)(4), 1674(a), and 1674(b)(7) shall take effect on the effective date specified in section 1691(b)(1) of the Reserve Officer Personnel Management Act (notwithstanding section 1691(a) of such Act). 10 USC 10001 note.

(3) The amendments made by this section shall take effect as if included in the Reserve Officer Personnel Management Act as enacted on October 5, 1994. 10 USC 113 note.

### SEC. 1502. AMENDMENTS TO REFLECT NAME CHANGE OF COMMITT ON ARMED SERVICES OF THE HOUSE OF REPRESENT TIVES.

(a) TITLE 10, UNITED STATES CODE.—Title 10, United Stat Code, is amended as follows:

(1) Sections 503(b)(5), 520a(d), 526(d)(1), 619a(h)( 806a(b), 838(b)(7), 946(c)(1)(A), 1098(b)(2), 2313(b)( 2361(c)(1), 2371(h), 2391(c), 2430(b), 2432(b)(3)(B), 2432(c)( 2432(h)(1), 2667(d)(3), 2672a(b), 2687(b)(1), 4342( 7307(b)(1)(A), and 9342(g) are amended by striking out “Co mittees on Armed Services of the Senate and House of R resentatives” and inserting in lieu thereof “Committee Armed Services of the Senate and the Committee on Natio Security of the House of Representatives”.

(2) Sections 178(c)(1)(A), 942(e)(5), 2350f(c), 7426( 7431(a), 7431(b)(1), 7431(c), 7438(b), 12302(b), 18235(a), a 18236(a) are amended by striking out “Committees on Arm Services of the Senate and the House of Representatives” a inserting in lieu thereof “Committee on Armed Services the Senate and the Committee on National Security of t House of Representatives”.

(3) Section 113(j)(1) is amended by striking out “Comm tees on Armed Services and Committees on Appropriatic of the Senate and” and inserting in lieu thereof “Committ on Armed Services and the Committee on Appropriations the Senate and the Committee on National Security and t Committee on Appropriations of the”.

(4) Section 119(g) is amended by striking out paragrap (1) and (2) and inserting in lieu thereof the following:

“(1) the Committee on Armed Services and the Committ on Appropriations, and the Defense Subcommittee of t Committee on Appropriations, of the Senate; and

“(2) the Committee on National Security and the Committ on Appropriations, and the National Security Subcommitt of the Committee on Appropriations, of the House of Represe atives.”.

(5) Section 127(c) is amended by striking out “Committe on Armed Services and Appropriations of the Senate and” a inserting in lieu thereof “Committee on Armed Services a the Committee on Appropriations of the Senate and t Committee on National Security and the Committee on App priations of”.

(6) Section 135(e) is amended—

(A) by inserting “(1)” after “(e)”;

(B) by striking out “the Committees on Armed Servi and the Committees on Appropriations of the Senate a House of Representatives are each” and inserting in li thereof “each congressional committee specified in pa graph (2) is”; and

(C) by adding at the end the following:

“(2) The committees referred to in paragraph (1) are—

“(A) the Committee on Armed Services and the Commit on Appropriations of the Senate; and

“(B) the Committee on National Security and the Comm tee on Appropriations of the House of Representatives.”.

(7) Section 179(e) is amended by striking out “to t Committees on Armed Services and Appropriations of the S

ate and" and inserting in lieu thereof "to the Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on National Security and the Committee on Appropriations of the".

(8) Sections 401(d) and 402(d) are amended by striking out "submit to the" and all that follows through "Foreign Affairs" and inserting in lieu thereof "submit to the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on National Security and the Committee on International Relations".

(9) Section 2367(d)(2) is amended by striking out "the Committees on Armed Services and the Committees on Appropriations of the Senate and" and inserting in lieu thereof "the Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on National Security and the Committee on Appropriations of the".

(10) Sections 2306b(g), 2801(c)(4), and 18233a(a)(1) are amended by striking out "the Committees on Armed Services and on Appropriations of the Senate and" and inserting in lieu thereof "the Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on National Security and the Committee on Appropriations of the".

(11) Section 1599(e)(2) is amended—

(A) in subparagraph (A), by striking out "The Committees on Armed Services and Approupriations" and inserting in lieu thereof "The Committee on National Security, the Committee on Appropriations,"; and

(B) in subparagraph (B), by striking out "The Committees on Armed Services and Appropriations" and inserting in lieu thereof "The Committee on Armed Services, the Committee on Appropriations,".

(12) Sections 4355(a)(3), 6968(a)(3), and 9355(a)(3) are amended by striking out "Armed Services" and inserting in lieu thereof "National Security".

(13) Section 1060(d) is amended by striking out "Committee on Armed Services and the Committee on Foreign Affairs" and inserting in lieu thereof "Committee on National Security and the Committee on International Relations".

(14) Section 2215 is amended—

(A) by inserting "(a) CERTIFICATION REQUIRED.—" at the beginning of the text of the section;

(B) by striking out "to the Committees" and all that follows through "House of Representatives" and inserting in lieu thereof "to the congressional committees specified in subsection (b)"; and

(C) by adding at the end the following:

"(b) CONGRESSIONAL COMMITTEES.—The committees referred to subsection (a) are—

"(1) the Committee on Armed Services and the Committee on Appropriations of the Senate; and

"(2) the Committee on National Security and the Committee on Appropriations of the House of Representatives.".

(15) Section 2218 is amended—

(A) in subsection (j), by striking out "the Committees on Armed Services and on Appropriations of the Senate and the House of Representatives" and inserting in li thereof "the congressional defense committees"; and

(B) by adding at the end of subsection (k) the followi new paragraph:

"(4) The term 'congressional defense committees' means

"(A) the Committee on Armed Services and t Committee on Appropriations of the Senate; and

"(B) the Committee on National Security and t Committee on Appropriations of the House of Represent tives.".

(16) Section 2342(b) is amended—

(A) in the matter preceding paragraph (1), by striki out "section—" and inserting in lieu thereof "secti unless—";

(B) in paragraph (1), by striking out "unless"; a

(C) in paragraph (2), by striking out "notifies th and all that follows through "House of Representative and inserting in lieu thereof "the Secretary submits the Committee on Armed Services and the Committee Foreign Relations of the Senate and the Committee National Security and the Committee on Internation Relations of the House of Representatives notice of t intended designation".

(17) Section 2350a(f)(2) is amended by striking out "subm to the Committees" and all that follows through "House Representatives" and inserting in lieu thereof "submit to t Committee on Armed Services and the Committee on Forei Relations of the Senate and the Committee on National Securi and the Committee on International Relations of the Hou of Representatives".

(18) Section 2366 is amended—

(A) in subsection (d), by striking out "the Committe on Armed Services and on Appropriations of the Sena and House of Representatives" and inserting in lieu there "the congressional defense committees"; and

(B) by adding at the end of subsection (e) the followi new paragraph:

"(7) The term 'congressional defense committees' means

"(A) the Committee on Armed Services and t Committee on Appropriations of the Senate; and

"(B) the Committee on National Security and t Committee on Appropriations of the House of Represent tives.".

(19) Section 2399(h)(2) is amended by striking out "mea and all the follows and inserting in lieu thereof the followi "means—

"(A) the Committee on Armed Services and t Committee on Appropriations of the Senate; and

"(B) the Committee on National Security and t Committee on Appropriations of the House of Represen tives.".

(20) Section 2401(b)(1) is amended—

(A) in subparagraph (B), by striking out "the Comm tees on Armed Services and on Appropriations of the Sen and" and inserting in lieu thereof "the Committee on Arm Services and the Committee on Appropriations of the S ate and the Committee on National Security and the Committees on Appropriations of the"; and

(B) in subparagraph (C), by striking out "the Committees on Armed Services and on Appropriations of the Senate and House of Representatives" and inserting in lieu thereof "those committees".

(21) Section 2403(e) is amended—

(A) by inserting "(1)" before "Before making";

(B) by striking out "shall notify the Committees on Armed Services and on Appropriations of the Senate and House of Representatives" and inserting in lieu thereof "shall submit to the congressional committees specified in paragraph (2) notice"; and

(C) by adding at the end the following new paragraph:

"(2) The committees referred to in paragraph (1) are—

"(A) the Committee on Armed Services and the Committee on Appropriations of the Senate; and

"(B) the Committee on National Security and the Committee on Appropriations of the House of Representatives.".

(22) Section 2515(d) is amended—

(A) by striking out "REPORTING" and all that follows through "same time" and inserting in lieu thereof "ANNUAL REPORT.—(1) The Secretary of Defense shall submit to the congressional committees specified in paragraph (2) an annual report on the activities of the Office. The report shall be submitted each year at the same time"; and

(B) by adding at the end the following new paragraph:

"(2) The committees referred to in paragraph (1) are—

"(A) the Committee on Armed Services and the Committee on Appropriations of the Senate; and

"(B) the Committee on National Security and the Committee on Appropriations of the House of Representatives.".

(23) Section 2662 is amended—

(A) in subsection (a)—

(i) in the matter preceding paragraph (1), by striking out "the Committees on Armed Services of the Senate and House of Representatives" and inserting in lieu thereof "the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives"; and

(ii) in the matter following paragraph (6), by striking out "to be submitted to the Committees on Armed Services of the Senate and House of Representatives";

(B) in subsection (b), by striking out "shall report annually to the Committees on Armed Services of the Senate and the House of Representatives" and inserting in lieu thereof "shall submit annually to the congressional committees named in subsection (a) a report";

(C) in subsection (e), by striking out "the Committees on Armed Services of the Senate and the House of Representatives" and inserting in lieu thereof "the congressional committees named in subsection (a)"; and

(D) in subsection (f), by striking out "the Committees on Armed Services of the Senate and the House of Representatives shall" and inserting in lieu thereof "the congressional committees named in subsection (a) shall".

(24) Section 2674(a) is amended—

(A) in paragraph (2), by striking out "Committees o Armed Services of the Senate and the House of Representa tives, the Committee on Environment and Public Work of the Senate, and the Committee on Public Works an Transportation of the House of Representatives" and inser ing in lieu thereof "congressional committees specified i paragraph (3)"; and

(B) by adding at the end the following new paragrap

"(3) The committees referred to in paragraph (2) are—

"(A) the Committee on Armed Services and the Committe on Environment and Public Works of the Senate; and

"(B) the Committee on National Security and the Commi tee on Transportation and Infrastructure of the House of Re resentatives.".

(25) Section 2813(c) is amended by striking out "Commi tees on Armed Services and the Committees on Appropriatio of the Senate and House of Representatives" and insertir in lieu thereof "appropriate committees of Congress".

(26) Sections 2825(b)(1) and 2832(b)(2) are amended striking out "Committees on Armed Services and the Commi tees on Appropriations of the Senate and of the House Representatives" and inserting in lieu thereof "appropria committees of Congress".

(27) Section 2865(e)(2) and 2866(c)(2) are amended by stri ing out "Committees on Armed Services and Appropriatio of the Senate and House of Representatives" and insertir in lieu thereof "appropriate committees of Congress".

(28)(A) Section 7434 of such title is amended to read follows:

### "§ 7434. Annual report to congressional committees

"Not later than October 31 of each year, the Secretary sha submit to the Committee on Armed Services of the Senate ar the Committee on National Security of the House of Representativ a report on the production from the naval petroleum reserves duri the preceding calendar year.".

(B) The item relating to such section in the table of conten at the beginning of chapter 641 is amended to read as follow

"7434. Annual report to congressional committees.".

(b) TITLE 37, UNITED STATES CODE.—Sections 301b(i)(2) a 406(i) of title 37, United States Code, are amended by striki out "Committees on Armed Services of the Senate and House Representatives" and inserting in lieu thereof "Committee on Arm Services of the Senate and the Committee on National Securi of the House of Representatives".

(c) ANNUAL DEFENSE AUTHORIZATION ACTS.—

(1) The National Defense Authorization Act for Fiscal Ye 1994 (Public Law 103–160) is amended in sections 2922( and 2925(b) (10 U.S.C. 2687 note) by striking out "Committe on Armed Services of the Senate and House of Representative and inserting in lieu thereof "Committee on Armed Servic of the Senate and the Committee on National Security of t House of Representatives".

(2) The National Defense Authorization Act for Fiscal Ye 1993 (Public Law 102–484) is amended—

10 USC 2302 note.

(A) in section 326(a)(5) (10 U.S.C. 2301 note) and s tion 1304(a) (10 U.S.C. 113 note), by striking out "Co mittees on Armed Services of the Senate and House of Representatives" and inserting in lieu thereof "Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives"; and

(B) in section 1505(e)(2)(B) (22 U.S.C. 5859a), by striking out "the Committee on Armed Services, the Committee on Appropriations, the Committee on Foreign Affairs, and the Committee on Energy and Commerce" and inserting in lieu thereof "the Committee on National Security, the Committee on Appropriations, the Committee on International Relations, and the Committee on Commerce".

(3) Section 1097(a)(1) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 22 U.S.C. 2751 note) is amended by striking out "the Committees on Armed Services and Foreign Affairs" and inserting in lieu thereof "the Committee on National Security and the Committee on International Relations".

(4) The National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510) is amended as follows:

10 USC 115 note.

(A) Section 402(a) and section 1208(b)(3) (10 U.S.C. 1701 note) are amended by striking out "Committees on Armed Services of the Senate and the House of Representatives" and inserting in lieu thereof "Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives".

(B) Section 1403 (50 U.S.C. 404b) is amended—

(i) in subsection (a), by striking out "the Committees on" and all that follows through "each year" and inserting in lieu thereof "the congressional committees specified in subsection (d) each year"; and

(ii) by adding at the end the following new subsection:

"(d) SPECIFIED CONGRESSIONAL COMMITTEES.—The congressional committees referred to in subsection (a) are the following:

"(1) The Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate.

"(2) The Committee on National Security, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.".

(C) Section 1457 (50 U.S.C. 404c) is amended—

(i) in subsection (a), by striking out "shall submit to the" and all that follows through "each year" and inserting in lieu thereof "shall submit to the congressional committees specified in subsection (d) each year";

(ii) in subsection (c)—

(I) by striking out "(1) Except as provided in paragraph (2), the President" and inserting in lieu thereof "The President"; and

(II) by striking out paragraph (2); and

(iii) by adding at the end the following new subsection:

"(d) SPECIFIED CONGRESSIONAL COMMITTEES.—The congressional committees referred to in subsection (a) are the following:

"(1) The Committee on Armed Services and the Committee on Foreign Relations of the Senate.

"(2) The Committee on National Security and the Committee on International Relations of the House of Representatives."

(D) Section 2921 (10 U.S.C. 2687 note) is amended—

(i) in subsection (e)(3)(A), by striking out "the Committee on Armed Services, the Committee on Appropriations, and the Defense Subcommittees" and inserting in lieu thereof "the Committee on National Security, the Committee on Appropriations, and the National Security Subcommittee"; and

(ii) in subsection (g)(2), by striking out "the Committee on Armed Services of the Senate and House of Representatives" and inserting in lieu thereof "the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives".

(5) Section 613(h)(1) of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100–456; 37 U.S.C. 302 note), is amended by striking out "the Committees on Armed Services of the Senate and the House of Representatives" and inserting in lieu thereof "the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives".

(6) Section 1412 of the Department of Defense Authorization Act, 1986 (Public Law 99–145; 50 U.S.C. 1521), is amended in subsections (b)(4) and (k)(2), by striking out "Committees on Armed Services of the Senate and House of Representatives" and inserting in lieu thereof "Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives".

(7) Section 1002(d) of the Department of Defense Authorization Act, 1985 (Public Law 98–525; 22 U.S.C. 1928 note), is amended by striking out "the Committees on Armed Services of the Senate and the House of Representatives" and inserting in lieu thereof "the Committee on Armed Services of the Senate the Committee on National Security of the House of Representatives".

(8) Section 1252 of the Department of Defense Authorization Act, 1984 (42 U.S.C. 248d), is amended—

(A) in subsection (d), by striking out "Committees on Appropriations and on Armed Services of the Senate and the House of Representatives" and inserting in lieu thereo "Committee on Appropriations and the Committee on Armed Services of the Senate and the Committee on Appropriations and the Committee on National Security of the House of Representatives"; and

(B) in subsection (e), by striking out "Committees on Appropriations and on Armed Services of the Senate and the House of Representatives" and inserting in lieu thereo "congressional committees specified in subsection (d)".

(d) Base Closure Law.—The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended as follows:

(1) Sections 2902(e)(2)(B)(ii) and 2908(b) are amended by striking out "Armed Services" the first place it appears and inserting in lieu thereof "National Security".

(2) Section 2910(2) is amended by striking out "the Committees on Armed Services and the Committees on Appropriation

of the Senate and of the House of Representatives" and inserting in lieu thereof "the Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on National Security and the Committee on Appropriations of the House of Representatives".

(e) NATIONAL DEFENSE STOCKPILE.—The Strategic and Critical Materials Stock Piling Act is amended—

(1) in section 6(d) (50 U.S.C. 98e(d))—

(A) in paragraph (1), by striking out "Committees on Armed Services of the Senate and House of Representatives" and inserting in lieu thereof "Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives"; and

(B) in paragraph (2), by striking out "the Committees on Armed Services of the Senate and House of Representatives" and inserting in lieu thereof "such congressional committees"; and

(2) in section 7(b) (50 U.S.C. 98f(b)), by striking out "Committees on Armed Services of the Senate and House of Representatives" and inserting in lieu thereof "Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives".

(f) OTHER DEFENSE-RELATED PROVISIONS.—

(1) Section 8125(g)(2) of the Department of Defense Appropriations Act, 1989 (Public Law 100–463; 10 U.S.C. 113 note), is amended by striking out "Committees on Appropriations and Armed Services of the Senate and House of Representatives" and inserting in lieu thereof "Committee on Appropriations and the Committee on Armed Services of the Senate and the Committee on Appropriations and the Committee on National Security of the House of Representatives".

(2) Section 9047A of the Department of Defense Appropriations Act, 1993 (Public Law 102–396; 10 U.S.C. 2687 note), is amended by striking out "the Committees on Appropriations and Armed Services of the House of Representatives and the Senate" and inserting in lieu thereof "the Committee on Appropriations and the Committee on Armed Services of the Senate and the Committee on Appropriations and the Committee on National Security of the House of Representatives".

(3) Section 3059(c)(1) of the Defense Drug Interdiction Assistance Act (subtitle A of title III of Public Law 99–570; 10 U.S.C. 9441 note) is amended by striking out "Committees on Appropriations and on Armed Services of the Senate and the House of Representatives" and inserting in lieu thereof "Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on National Security and the Committee on Appropriations of the House of Representatives".

(4) Section 7606(b) of the Anti-Drug Abuse Act of 1988 (Public Law 100–690; 10 U.S.C. 9441 note) is amended by striking out "Committees on Appropriations and the Committee on Armed Services of the Senate and the House of Representatives" and inserting in lieu thereof "Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on National Security and the Committee on Appropriations of the House of Representatives".

(5) Section 104(d)(5) of the National Security Act of 1947 (50 U.S.C. 403–4(d)(5)) is amended by striking out "Committees on Armed Services of the Senate and House of Representatives" and inserting in lieu thereof "Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives".

(6) Section 8 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(A) in subsection (b)(3), by striking out "Committees on Armed Services and Government Operations" and inserting in lieu thereof "Committee on National Security and the Committee on Government Reform and Oversight";

(B) in subsection (b)(4), by striking out "Committees on Armed Services and Governmental Affairs of the Senate and the Committees on Armed Services and Government Operations of the House of Representatives" and inserting in lieu thereof "congressional committees specified in paragraph (3)";

(C) in subsection (f)(1), by striking out "Committees on Armed Services and Government Operations" and inserting in lieu thereof "Committee on National Security and the Committee on Government Reform and Oversight"; and

(D) in subsection (f)(2), by striking out "Committees on Armed Services and Governmental Affairs of the Senate and the Committees on Armed Services and Government Operations of the House of Representatives" and inserting in lieu thereof "congressional committees specified in paragraph (1)".

(7) Section 204(h)(3) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(h)(3)) is amended by striking out "Committees on Armed Services of the Senate and of the House of Representatives" and inserting in lieu thereof "Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives".

### SEC. 1503. MISCELLANEOUS AMENDMENTS TO TITLE 10, UNITED STATES CODE.

(a) SUBTITLE A.—Subtitle A of title 10, United States Code is amended as follows:

(1) Section 113(i)(2)(B) is amended by striking out "the five years covered" and all that follows through "section 114(g)" and inserting in lieu thereof "the period covered by the future years defense program submitted to Congress during that year pursuant to section 221".

(2) Section 136(c) is amended by striking out "Comptroller" and inserting in lieu thereof "Under Secretary of Defense (Comptroller)".

(3) Section 526 is amended—

(A) in subsection (a), by striking out paragraphs (1), (2), and (3) and inserting in lieu thereof the following:

"(1) For the Army, 302.

"(2) For the Navy, 216.

"(3) For the Air Force, 279.";

(B) by striking out subsection (b);

(C) by redesignating subsections (c), (d), and (e) as subsections (b), (c), and (d);

(D) in subsection (b), as so redesignated, by striking out "that are applicable on and after October 1, 1995"; and

(E) in paragraph (2)(B) of subsection (c), as redesignated by subparagraph (C), is amended—

(i) by striking out "the" after "in the";

(ii) by inserting "to" after "reserve component, or"; and

(iii) by inserting "than" after "in a grade other".

(4) Section 528(a) is amended by striking out "after September 30, 1995,".

(5) Section 573(a)(2) is amended by striking out "active duty list" and inserting in lieu thereof "active-duty list".

(6) Section 661(d)(2) is amended—

(A) in subparagraph (B), by striking out "Until January 1, 1994" and all that follows through "each position so designated" and inserting in lieu thereof "Each position designated by the Secretary under subparagraph (A)";

(B) in subparagraph (C), by striking out "the second sentence of"; and

(C) by striking out subparagraph (D).

(7) Section 706(c)(1) is amended by striking out "section 4301 of title 38" and inserting in lieu thereof "chapter 43 of title 38".

(8) Section 1059 is amended by striking out "subsection (j)" in subsections (c)(2) and (g)(3) and inserting in lieu thereof "subsection (k)".

(9) Section 1060a(f)(2)(B) is amended by striking out "(as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)))" and inserting in lieu thereof ", as determined in accordance with the Immigration and Nationality Act (8 U.S.C. 1101 et seq.)".

(10) Section 1151 is amended—

(A) in subsection (b), by striking out "(20 U.S.C. 2701 et seq.)" in paragraphs (2)(A) and (3)(A) and inserting in lieu thereof "(20 U.S.C. 6301 et seq.)"; and

(B) in subsection (e)(1)(B), by striking out "not later than one year after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1995" and inserting in lieu thereof "not later than October 5, 1995".

(11) Section 1152(g)(2) is amended by striking out "not later than 180 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1995" and inserting in lieu thereof "not later than April 3, 1994,".

(12) Section 1177(b)(2) is amended by striking out "provison of law" and inserting in lieu thereof "provision of law".

(13) The heading for chapter 67 is amended by striking out "**NONREGULAR**" and inserting in lieu thereof "**NON-REGULAR**".

(14) Section 1598(a)(2)(A) is amended by striking out "2701" and inserting in lieu thereof "6301".

(15) Section 1745(a) is amended by striking out "section 4107(d)" both places it appears and inserting in lieu thereof "section 4107(b)".

(16) Section 1746(a) is amended—

(A) by striking out “(1)” before “The Secretary of Defense”; and

(B) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively.

(17) Section 2006(b)(2)(B)(ii) is amended by striking out “section 1412 of such title” and inserting in lieu thereof “section 3012 of such title”.

(18) Section 2011(a) is amended by striking out “TO” and inserting in lieu thereof “TO”.

(19) Section 2194(e) is amended by striking out “(20 U.S.C. 2891(12))” and inserting in lieu thereof “(20 U.S.C. 8801)”.

(20) Sections 2217(b) and 2220(a)(2) are amended by striking out “Comptroller of the Department of Defense” and inserting in lieu thereof “Under Secretary of Defense (Comptroller)”.

(21) Section 2401(c)(2) is amended by striking out “pursuant to” and all that follows through “September 24, 1983,”.

(22) Section 2410f(b) is amended by striking out “For purposes of” and inserting in lieu thereof “In”.

(23) Section 2410j(a)(2)(A) is amended by striking out “2701” and inserting in lieu thereof “6301”.

(24) Section 2457(e) is amended by striking out “title III of the Act of March 3, 1933 (41 U.S.C. 10a),” and inserting in lieu thereof “the Buy American Act (41 U.S.C. 10a)”.

(25) Section 2465(b)(3) is amended by striking out “under contract” and all that follows through the period and inserting in lieu thereof “under contract on September 24, 1983.”.

(26) Section 2471(b) is amended—

(A) in paragraph (2), by inserting “by” after “as determined”; and

(B) in paragraph (3), by inserting “of” after “arising out”.

(27) Section 2524(e)(4)(B) is amended by inserting a comma before “with respect to”.

(28) The heading of section 2525 is amended by capitalizing the initial letter of the second, fourth, and fifth words.

(29) Chapter 152 is amended by striking out the table of subchapters at the beginning and the headings for subchapters I and II.

(30) Section 2534(c) is amended by capitalizing the initial letter of the third and fourth words of the subsection heading

(31) The table of sections at the beginning of subchapter I of chapter 169 is amended by adding a period at the end of the item relating to section 2811.

(b) OTHER SUBTITLES.—Subtitles B, C, and D of title 10, United States Code, are amended as follows:

(1) Sections 3022(a)(1), 5025(a)(1), and 8022(a)(1) are amended by striking out “Comptroller of the Department of Defense” and inserting in lieu thereof “Under Secretary of Defense (Comptroller)”.

(2) Section 6241 is amended by inserting “or” at the end of paragraph (2).

(3) Section 6333(a) is amended by striking out the first period after “section 1405” in formula C in the table under the column designated “Column 2”.

(4) The item relating to section 7428 in the table of sections at the beginning of chapter 641 is amended by striking out "Agreement" and inserting in lieu thereof "Agreements".

(5) The item relating to section 7577 in the table of sections at the beginning of chapter 649 is amended by striking out "Officers" and inserting in lieu thereof "officers".

(6) The center heading for part IV in the table of chapters at the beginning of subtitle D is amended by inserting a comma after "SUPPLY".

### SEC. 1504. MISCELLANEOUS AMENDMENTS TO ANNUAL DEFENSE AUTHORIZATION ACTS.

(a) PUBLIC LAW 103–337.—Effective as of October 5, 1994, and as if included therein as enacted, the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337) is amended as follows:

Effective date. 10 USC 2701 note.

(1) Section 322(1) (108 Stat. 2711) is amended by striking out "SERVICE" in both sets of quoted matter and inserting in lieu thereof "SERVICES".

10 USC 2701.

(2) Section 531(g)(2) (108 Stat. 2758) is amended by inserting "item relating to section 1034 in the" after "The".

(3) Section 541(c)(1) is amended—

10 USC 571 note.

(A) in subparagraph (B), by inserting a comma after "chief warrant officer"; and

(B) in the matter after subparagraph (C), by striking out "this".

(4) Section 721(f)(2) (108 Stat. 2806) is amended by striking out "revaluated" and inserting in lieu thereof "reevaluated".

10 USC 1074 note.

(5) Section 722(d)(2) (108 Stat. 2808) is amended by striking out "National Academy of Science" and inserting in lieu thereof "National Academy of Sciences".

10 USC 1074 note.

(6) Section 904(d) (108 Stat. 2827) is amended by striking out "subsection (c)" the first place it appears and inserting in lieu thereof "subsection (b)".

10 USC 10501 note.

(7) Section 1202 (108 Stat. 2882) is amended—

22 USC 5956.

(A) by striking out "(title XII of Public Law 103–60" and inserting in lieu thereof "(title XII of Public Law 103–160"; and

(B) in paragraph (2), by inserting "in the first sentence" before "and inserting in lieu thereof".

(8) Section 1312(a)(2) (108 Stat. 2894) is amended by striking out "adding at the end" and inserting in lieu thereof "inserting after the item relating to section 123a".

10 USC 123b.

(9) Section 2813(c) (108 Stat. 3055) is amended by striking out "above paragraph (1)" both places it appears and inserting in lieu thereof "preceding subparagraph (A)".

10 USC 2687 note.

(b) PUBLIC LAW 103–160.—The National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160) is amended in section 1603(d) (22 U.S.C. 2751 note)—

(1) in the matter preceding paragraph (1), by striking out the second comma after "Not later than April 30 of each year";

(2) in paragraph (4), by striking out "contributes" and inserting in lieu thereof "contribute"; and

(3) in paragraph (5), by striking out "is" and inserting in lieu thereof "are".

(c) PUBLIC LAW 102–484.—The National Defense Authorizatio Act for Fiscal Year 1993 (Public Law 102–484) is amended a follows:

(1) Section 326(a)(5) (106 Stat. 2370; 10 U.S.C. 2301 not is amended by inserting “report” after “each”.

42 USC 7247j.

(2) Section 3163(1)(E) is amended by striking out “paragraphs (1) through (4)” and inserting in lieu thereof “subparagraphs (A) through (D)”.

(3) Section 4403(a) (10 U.S.C. 1293 note) is amended b striking out “through 1995” and inserting in lieu there “through fiscal year 1999”.

(d) PUBLIC LAW 102–190.—Section 1097(d) of the Nationa Defense Authorization Act for Fiscal Years 1992 and 1993 (Publi Law 102–190; 105 Stat. 1490) is amended by striking out “th Federal Republic of Germany, France” and inserting in lieu there “France, Germany”.

22 USC 2751 note.

**SEC. 1505. MISCELLANEOUS AMENDMENTS TO OTHER LAWS.**

(a) OFFICER PERSONNEL ACT OF 1947.—Section 437 of the Off cer Personnel Act of 1947 is repealed.

10 USC 5401 note prec.

(b) TITLE 5, UNITED STATES CODE.—Title 5, United State Code, is amended—

(1) in section 8171—

(A) in subsection (a), by striking out “903(3)” an inserting in lieu thereof “903(a)”;

(B) in subsection (c)(1), by inserting “section” befor “39(b)”; and

(C) in subsection (d), by striking out “(33 U.S.C. 1 and 21, respectively)” and inserting in lieu thereof “(3 U.S.C. 918 and 921)”;

(2) in sections 8172 and 8173, by striking out “(33 U.S.C 2(2))” and inserting in lieu thereof “(33 U.S.C. 902(2))”; an

(3) in section 8339(d)(7), by striking out “Court of Militar Appeals” and inserting in lieu thereof “Court of Appeals fo the Armed Forces”.

Effective date.

10 USC 1436.

(c) PUBLIC LAW 90–485.—Effective as of August 13, 1968, an as if included therein as originally enacted, section 1(6) of Publi Law 90–485 (82 Stat. 753) is amended—

(1) by striking out the close quotation marks after th end of clause (4) of the matter inserted by the amendme made by that section; and

(2) by adding close quotation marks at the end.

(d) TITLE 37, UNITED STATES CODE.—Section 406(b)(1)(E) title 37, United States Code, is amended by striking out “of thi paragraph”.

(e) BASE CLOSURE LAWS.—(1) The Defense Base Closure an Realignment Act of 1990 (part A of title XXIX of Public La 101–510; 10 U.S.C. 2687 note) is amended—

(A) in section 2905(b)(1)(C), by striking out “of the Administrator to grant approvals and make determinations under section 13(g) of the Surplus Property Act of 1944 (50 U.S. App. 1622(g))” and inserting in lieu thereof “to dispose of surplus property for public airports under sections 47151 throug 47153 of title 49, United States Code”;

(B) in section 2906(d)(1), by striking out “sectio 204(b)(4)(C)” and inserting in lieu thereof “section 204(b)(7)(C) and

(C) in section 2910—

(i) by designating the second paragraph (10), as added by section 2(b) of the Base Closure Community Redevelopment and Homeless Assistance Act of 1994 (Public Law 103–421; 108 Stat. 4352), as paragraph (11); and

(ii) in such paragraph, as so designated, by striking out "section 501(h)(4) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411(h)(4))" and inserting in lieu thereof "section 501(i)(4) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411(i)(4))".

(2) Section 2921(d)(1) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 2687 note) is amended by striking out "section 204(b)(4)(C)" and inserting n lieu thereof "section 204(b)(7)(C)".

(3) Section 204 of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note) is amended—

(A) in subsection (b)(1)(C), by striking out "of the Administrator to grant approvals and make determinations under section 13(g) of the Surplus Property Act of 1944 (50 U.S.C. App. 1622(g))" and inserting in lieu thereof "to dispose of surplus property for public airports under sections 47151 through 47153 of title 49, United States Code"; and

(B) in subsection (b)(7)(A)(i), by striking out "paragraph (3)" and inserting in lieu thereof "paragraphs (3) through (6)".

(f) PUBLIC LAW 103–421.—Section 2(e)(5) of Public Law 103–421 (108 Stat. 4354) is amended— 10 USC 2687 note.

(1) by striking out "(A)" after "(5)"; and

(2) by striking out "clause" in subparagraph (B)(iv) and inserting in lieu thereof "clauses".

(g) ATOMIC ENERGY ACT.—Section 123a. of the Atomic Energy Act (42 U.S.C. 2153a.) is amended by striking out "144b., or 144d." and inserting ", 144b., or 144d.". 42 USC 2153.

### SEC. 1506. COORDINATION WITH OTHER AMENDMENTS.

10 USC 101 note.

For purposes of applying amendments made by provisions of this Act other than provisions of this title, this title shall be treated as having been enacted immediately before the other provisions of this Act.

# TITLE XVI—CORPORATION FOR THE PROMOTION OF RIFLE PRACTICE AND FIREARMS SAFETY

Corporation for the Promotion of Rifle Practice and Firearms Safety Act.

### SEC. 1601. SHORT TITLE.

36 USC 5501 note.

This title may be cited as the "Corporation for the Promotion of Rifle Practice and Firearms Safety Act".

## Subtitle A—Establishment and Operation of Corporation

### SEC. 1611. ESTABLISHMENT OF THE CORPORATION.

36 USC 5501.

(a) ESTABLISHMENT.—There is established a private, nonprofit orporation to be known as the "Corporation for the Promotion of Rifle Practice and Firearms Safety" (in this title referred as the "Corporation").

(b) PRIVATE, NONPROFIT STATUS.—(1) The Corporation sh not be considered to be a department, agency, or instrumentali of the Federal Government. An officer or employee of the Corpor tion shall not be considered to be an officer or employee of t Federal Government.

(2) The Corporation shall be operated in a manner and f purposes that qualify the Corporation for exemption from taxati under section 501(a) of the Internal Revenue Code of 1986 an organization described in section 501(c)(3) of such Code.

(c) BOARD OF DIRECTORS.—(1) The Corporation shall have Board of Directors consisting of not less than nine members.

(2) The Board of Directors may adopt bylaws, policies, a procedures for the Corporation and may take any other acti that the Board of Directors considers necessary for the manageme and operation of the Corporation.

(3) Each member of the Board of Directors shall serve f a term of two years. Members of the Board of Directors are eligi for reappointment.

(4) A vacancy on the Board of Directors shall be filled a majority vote of the remaining members of the Board.

(5) The Secretary of the Army shall appoint the initial Boa of Directors. Four of the members of the initial Board of Directo to be designated by the Secretary at the time of appointme shall (notwithstanding paragraph (3)) serve for a term of one ye

(d) DIRECTOR OF CIVILIAN MARKSMANSHIP.—(1) The Board Directors shall appoint an individual to serve as the Director Civilian Marksmanship.

(2) The Director shall be responsible for the performance the daily operations of the Corporation and the functions describ in section 1612.

36 USC 5502.

**SEC. 1612. CONDUCT OF CIVILIAN MARKSMANSHIP PROGRAM.**

(a) FUNCTIONS.—The Corporation shall have responsibility the overall supervision, oversight, and control of the Civilian Mar manship Program, pursuant to the transfer of the program un subsection (d), including the performance of the following:

(1) The instruction of citizens of the United States marksmanship.

(2) The promotion of practice and safety in the use firearms, including the conduct of matches and competitio in the use of those firearms.

(3) The award to competitors of trophies, prizes, badg and other insignia.

(4) The provision of security and accountability for firearms, ammunition, and other equipment under the custo and control of the Corporation.

(5) The issue, loan, or sale of firearms, ammunition, su plies, and appliances under section 1614.

(6) The procurement of necessary supplies, applianc clerical services, other related services, and labor to carry the Civilian Marksmanship Program.

(b) PRIORITY FOR YOUTH ACTIVITIES.—In carrying out t Civilian Marksmanship Program, the Corporation shall give prior to activities that benefit firearms safety, training, and competiti for youth and that reach as many youth participants as possib

(c) ACCESS TO SURPLUS PROPERTY.—(1) The Corporation may obtain surplus property and supplies from the Defense Reutilization Marketing Service to carry out the Civilian Marksmanship Program.

(2) Any transfer of property and supplies to the Corporation under paragraph (1) shall be made without cost to the Corporation.

(d) TRANSFER OF CIVILIAN MARKSMANSHIP PROGRAM TO CORPORATION.—(1) The Secretary of the Army shall provide for the transition of the Civilian Marksmanship Program, as defined in section 4308(e) of title 10, United States Code (as such section was in effect on the day before the date of the enactment of this Act), from conduct by the Department of the Army to conduct by the Corporation. The transition shall be completed not later than September 30, 1996.

(2) To carry out paragraph (1), the Secretary shall provide such assistance and take such action as is necessary to maintain the viability of the program and to maintain the security of firearms, ammunition, and other property that are transferred or reserved for transfer to the Corporation under section 1615, 1616, or 1621.

### SEC. 1613. ELIGIBILITY FOR PARTICIPATION IN CIVILIAN MARKSMANSHIP PROGRAM.

36 USC 5503.

(a) CERTIFICATION REQUIREMENT.—(1) Before a person may participate in any activity sponsored or supported by the Corporation, the person shall be required to certify by affidavit the following:

(A) The person has not been convicted of any Federal or State felony or violation of section 922 of title 18, United States Code.

(B) The person is not a member of any organization that advocates the violent overthrow of the United States Government.

(2) The Director of Civilian Marksmanship may require any person to attach to the person's affidavit a certification from the appropriate State or Federal law enforcement agency for purposes of paragraph (1)(A).

(b) INELIGIBILITY RESULTING FROM CERTAIN CONVICTIONS.—A person who has been convicted of a Federal or State felony or a violation of section 922 of title 18, United States Code, shall not be eligible to participate in any activity sponsored or supported by the Corporation through the Civilian Marksmanship Program.

(c) AUTHORITY TO LIMIT PARTICIPATION.—The Director of Civilian Marksmanship may limit participation as necessary to ensure—

(1) quality instruction in the use of firearms;

(2) the safety of participants; and

(3) the security of firearms, ammunition, and equipment.

### SEC. 1614. ISSUANCE, LOAN, AND SALE OF FIREARMS AND AMMUNITION BY THE CORPORATION.

36 USC 5504.

(a) ISSUANCE AND LOAN.—For purposes of training and competition, the Corporation may issue or loan, with or without charges to recover administrative costs, caliber .22 rimfire and caliber .30 surplus rifles, caliber .22 and .30 ammunition, air rifles, targets, and other supplies and appliances necessary for activities related to the Civilian Marksmanship Program to the following:

(1) Organizations affiliated with the Corporation that provide training in the use of firearms to youth.

(2) The Boy Scouts of America.

(3) 4–H Clubs.

(4) Future Farmers of America.

(5) Other youth-oriented organizations.

(b) Sales.—(1) The Corporation may sell at fair market valu caliber .22 rimfire and caliber .30 surplus rifles, caliber .22 an .30 ammunition, air rifles, repair parts, and accouterments t organizations affiliated with the Corporation that provide trainin in the use of firearms.

Procedures.
Law enforcement and crime.

(2) Subject to subsection (e), the Corporation may sell at fai market value caliber .22 rimfire and caliber .30 surplus rifle ammunition, targets, repair parts and accouterments, and othe supplies and appliances necessary for target practice to citizen of the United States over 18 years of age who are members a gun club affiliated with the Corporation. In addition to an other requirement, the Corporation shall establish procedures t obtain a criminal records check of the person with appropriat Federal and State law enforcement agencies.

(c) Limitations on Sales.—(1) The Corporation may not offe for sale any repair part designed to convert any firearm to fir in a fully automatic mode.

(2) The Corporation may not sell rifles, ammunition, or an other item available for sale to individuals under the Civilia Marksmanship Program to a person who has been convicted a felony or a violation of section 922 of title 18, United State Code.

(d) Oversight and Accountability.—The Corporation sha be responsible for ensuring adequate oversight and accountabilit of all firearms issued or loaned under this section. The Corporatio shall prescribe procedures for the security of issued or loaned fir arms in accordance with Federal, State, and local laws.

(e) Applicability of Other Law.—(1) Subject to paragrap (2), sales under subsection (b)(2) are subject to applicable Federa State, and local laws.

(2) Paragraphs (1), (2), (3), and (5) of section 922(a) of tit 18, United States Code, do not apply to the shipment, transpo tation, receipt, transfer, sale, issuance, loan, or delivery by th Corporation of any item that the Corporation is authorized to issu loan, sell, or receive under this title.

36 USC 5505.

### SEC. 1615. TRANSFER OF FIREARMS AND AMMUNITION FROM TH ARMY TO THE CORPORATION.

(a) Transfers Required.—The Secretary of the Army sha in accordance with subsection (b), transfer to the Corporation a firearms and ammunition that on the day before the date of th enactment of this Act are under the control of the Director the Civilian Marksmanship Program, including—

(1) all firearms on loan to affiliated clubs and State associ tions;

(2) all firearms in the possession of the Civilian Marksma ship Support Detachment; and

(3) all M–1 Garand and caliber .22 rimfire rifles store at Anniston Army Depot, Anniston, Alabama.

(b) Time for Transfer.—The Secretary shall transfer firearm and ammunition under subsection (a) as and when necessary enable the Corporation—

(1) to issue or loan such items in accordance with sectio 1614(a); or

(2) to sell such items to purchasers in accordance with section 1614(b).

(c) PARTS.—The Secretary may make available to the Corporation any part from a rifle designated to be demilitarized in the inventory of the Department of the Army.

(d) VESTING OF TITLE IN TRANSFERRED ITEMS.—Title to an item transferred to the Corporation under this section shall vest in the Corporation—

(1) upon the issuance of the item to a recipient eligible under section 1614(a) to receive the item; or

(2) immediately before the Corporation delivers the item to a purchaser of the item in accordance with a contract for a sale of the item that is authorized under section 1614(b).

(e) COSTS OF TRANSFERS.—Any transfer of firearms, ammunition, or parts to the Corporation under this section shall be made without cost to the Corporation, except that the Corporation shall assume the cost of preparation and transportation of firearms and ammunition transferred under this section.

## SEC. 1616. RESERVATION BY THE ARMY OF FIREARMS AND AMMUNITION FOR THE CORPORATION.

36 USC 5506.

(a) RESERVATION OF FIREARMS AND AMMUNITION.—The Secretary of the Army shall reserve for the Corporation the following:

(1) All firearms referred to in section 1615(a).

(2) Ammunition for such firearms.

(3) All M–16 rifles used to support the small arms firing school that are held by the Department of the Army on the date of the enactment of this Act.

(4) Any parts from, and accessories and accouterments for, surplus caliber .30 and caliber .22 rimfire rifles.

(b) STORAGE OF FIREARMS AND AMMUNITION.—Firearms stored at Anniston Army Depot, Anniston, Alabama, before the date of the enactment of this Act and used for the Civilian Marksmanship Program shall remain at that facility, or another storage facility designated by the Secretary of the Army, without cost to the Corporation, until the firearms are issued, loaned, or sold by, or otherwise transferred to, the Corporation.

(c) LIMITATION ON DEMILITARIZATION OF M–1 RIFLES.—After the date of the enactment of this Act, the Secretary may not demilitarize any M–1 Garand rifle in the inventory of the Army unless that rifle is determined by the Defense Logistics Agency to be unserviceable.

(d) EXCEPTION FOR TRANSFERS TO FEDERAL AND STATE AGENCIES FOR COUNTERDRUG PURPOSES.—The requirement specified in subsection (a) does not supersede the authority provided in section 1208 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 10 U.S.C. 372 note).

## SEC. 1617. ARMY LOGISTICAL SUPPORT FOR THE PROGRAM.

36 USC 5507.

(a) LOGISTICAL SUPPORT.—The Secretary of the Army shall provide logistical support to the Civilian Marksmanship Program and for competitions and other activities conducted by the Corporation. The Corporation shall reimburse the Secretary for incremental direct costs incurred in providing such support. Such reimbursements shall be credited to the appropriations account of the Department of the Army that is charged to provide such support.

(b) RESERVE COMPONENT PERSONNEL.—The Secretary shall provide, without cost to the Corporation, for the use of members of the National Guard and Army Reserve to support the Nationa Matches as part of the performance of annual training pursuan to titles 10 and 32, United States Code.

(c) USE OF DEPARTMENT OF DEFENSE FACILITIES FOR NATIONA MATCHES.—The National Matches may continue to be held at thos Department of Defense facilities at which the National Matche were held before the date of the enactment of this Act.

(d) REGULATIONS.—The Secretary shall prescribe regulation to carry out this section.

36 USC 5508.

**SEC. 1618. GENERAL AUTHORITIES OF THE CORPORATION.**

(a) DONATIONS AND FEES.—(1) The Corporation may solicit accept, hold, use, and dispose of donations of money, property and services received by gift, devise, bequest, or otherwise.

(2) The Corporation may impose, collect, and retain such fee as are reasonably necessary to cover the direct and indirect cost of the Corporation to carry out the Civilian Marksmanship Program

(3) Amounts collected by the Corporation under the authorit of this subsection, including the proceeds from the sale of firearms ammunition, targets, and other supplies and appliances, may b used only to support the Civilian Marksmanship Program.

(b) CORPORATE SEAL.—The Corporation may adopt, alter, an use a corporate seal, which shall be judicially noticed.

(c) CONTRACTS.—The Corporation may enter into contracts leases, agreements, or other transactions.

(d) OBLIGATIONS AND EXPENDITURES.—The Corporation ma determine the character of, and necessity for, its obligations an expenditures and the manner in which they shall be incurred allowed, and paid and may incur, allow, and pay such obligation and expenditures.

(e) RELATED AUTHORITY.—The Corporation may take such othe actions as are necessary or appropriate to carry out the authorit provided in this section.

36 USC 5509.

**SEC. 1619. DISTRIBUTION OF CORPORATE ASSETS IN EVENT OF DISSOLUTION.**

(a) DISTRIBUTION.—If the Corporation dissolves, then—

(1) upon the dissolution of the Corporation, title to al firearms stored at Anniston Army Depot, Anniston, Alabama on the date of the dissolution, all M–16 rifles that are transferred to the Corporation under section 1615(a)(2), that ar referred to in section 1616(a)(3), or that are otherwise unde the control of the Corporation, and all trophies received b the Corporation from the National Board for the Promotio of Rifle Practice as of such date, shall vest in the Secretar of the Army, and the Secretary shall have the immediate righ to the possession of such items;

(2) assets of the Corporation, other than assets describe in paragraph (1), may be distributed by the Corporation t an organization that—

(A) is exempt from taxation under section 501(a) o the Internal Revenue Code of 1986 as an organizatio described in section 501(c)(3) of such Code; and

(B) performs functions similar to the function described in section 1612(a); and

(3) all assets of the Corporation that are not distribute pursuant to paragraphs (1) and (2) shall be sold, and th

proceeds from the sale of such assets shall be deposited in the Treasury.

(b) PROHIBITION.—Assets of the Corporation that are distributed pursuant to the authority of subsection (a) may not be distributed to an individual.

## Subtitle B—Transitional Provisions

### SEC. 1621. TRANSFER OF FUNDS AND PROPERTY TO THE CORPORATION.

36 USC 5521.

(a) FUNDS.—(1) On the date of the submission of a certification in accordance with section 1623 or, if earlier, October 1, 1996, the Secretary of the Army shall transfer to the Corporation—

(A) the amounts that are available to the National Board for the Promotion of Rifle Practice from sales programs and fees collected in connection with competitions sponsored by the Board; and

(B) all funds that are in the nonappropriated fund account known as the National Match Fund.

(2) The funds transferred under paragraph (1)(A) shall be used to carry out the Civilian Marksmanship Program.

(3) Transfers under paragraph (1)(B) shall be made without cost to the Corporation.

(b) PROPERTY.—The Secretary of the Army shall, as soon as practicable, transfer to the Corporation the following:

(1) All automated data equipment, all other office equipment, targets, target frames, vehicles, and all other property under the control of the Director of Civilian Marksmanship and the Civilian Marksmanship Support Detachment on the day before the date of the enactment of this Act (other than property to which section 1615(a) applies).

(2) Title to property under the control of the National Match Fund on such day.

(3) All supplies and appliances under the control of the Director of the Civilian Marksmanship Program on such day.

(c) OFFICES.—The Corporation may use the office space of the Office of the Director of Civilian Marksmanship until the date on which the Secretary of the Army completes the transfer of the Civilian Marksmanship Program to the Corporation. The Corporation shall assume control of the leased property occupied as of the date of the enactment of this Act by the Civilian Marksmanship Support Detachment, located at the Erie Industrial Park, Port Clinton, Ohio.

(d) COSTS OF TRANSFERS.—Any transfer of items to the Corporation under this section shall be made without cost to the Corporation.

### SEC. 1622. CONTINUATION OF ELIGIBILITY FOR CERTAIN CIVIL SERVICE BENEFITS FOR FORMER FEDERAL EMPLOYEES OF CIVILIAN MARKSMANSHIP PROGRAM.

36 USC 5522.

(a) CONTINUATION OF ELIGIBILITY.—Notwithstanding any other provision of law, a Federal employee who is employed by the Department of Defense to support the Civilian Marksmanship Program as of the day before the date of the transfer of the Program to the Corporation and is offered employment by the Corporation as part of the transition described in section 1612(d) may, if the employee becomes employed by the Corporation, continue to b eligible during continuous employment with the Corporation fo the Federal health, retirement, and similar benefits (including lif insurance) for which the employee would have been eligible ha the employee continued to be employed by the Department o Defense. The employer's contribution for such benefits shall b paid by the Corporation.

(b) REGULATIONS.—The Director of the Office of Personne Management shall prescribe regulations to carry out subsectio (a).

36 USC 5523.

### SEC. 1623. CERTIFICATION OF COMPLETION OF TRANSITION.

(a) CERTIFICATION REQUIREMENT.—Upon completion of th appointment of the Board of Directors for the Corporation unde section 1611(c)(5) and of the transition required under sectio 1612(d), the Secretary of the Army shall submit to the Committe on Armed Services of the Senate and the Committee on Nationa Security of the House of Representatives a certification of th completion of such actions.

Federal Register, publication.

(b) PUBLICATION OF CERTIFICATION.—The Secretary shall tak such actions as are necessary to ensure that the certification i published in the Federal Register promptly after the submissio of the certification under subsection (a).

### SEC. 1624. REPEAL OF AUTHORITY FOR CONDUCT OF CIVILIA MARKSMANSHIP PROGRAM BY THE ARMY.

(a) REPEALS.—(1) Sections 4307, 4308, 4310, and 4311 of titl 10, United States Code, are repealed.

(2) The table of sections at the beginning of chapter 401 such title is amended by striking out the items relating to section 4307, 4308, 4310, and 4311.

(b) CONFORMING AMENDMENTS.—(1) Section 4313 of title 1 United States Code, is amended—

(A) by striking out subsection (b); and

(B) in subsection (a)—

(i) by striking out "(a) JUNIOR COMPETITORS.—" an inserting in lieu thereof "(a) ALLOWANCES FOR PARTICIP TION OF JUNIOR COMPETITORS.—"; and

(ii) in paragraph (3), by striking out "(3) For the pu poses of this subsection" and inserting in lieu thereof "( JUNIOR COMPETITOR DEFINED.—For the purposes of su section (a)".

(2) Section 4316 of such title is amended by striking out including fees charged and amounts collected pursuant to su sections (b) and (c) of section 4308,".

(3) Section 925(a)(2)(A) of title 18, United States Code, amended by inserting after "section 4308 of title 10" the followin "before the repeal of such section by section 1624(a) of the Corpor tion for the Promotion of Rifle Practice and Firearms Safety Act

10 USC 4313 note.

(c) EFFECTIVE DATE.—The amendments made by this sectio shall take effect on the earlier of—

(1) the date on which the Secretary of the Army submi a certification in accordance with section 1623; or

(2) October 1, 1996.

# DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

Military Construction Authorization Act for Fiscal Year 1996.

### SEC. 2001. SHORT TITLE.

This division may be cited as the “Military Construction Authorization Act for Fiscal Year 1996”.

## TITLE XXI—ARMY

### SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

**Army: Inside the United States**

| State | Installation or location | Amount |
|---|---|---|
| Alabama | Fort Rucker | $5,900,000 |
| | Redstone Arsenal | $5,000,000 |
| Arizona | Fort Huachuca | $16,000,000 |
| California | Fort Irwin | $25,500,000 |
| | Presidio of San Francisco | $3,000,000 |
| Colorado | Fort Carson | $30,850,000 |
| District of Columbia | Fort McNair | $13,500,000 |
| Georgia | Fort Benning | $37,900,000 |
| | Fort Gordon | $5,750,000 |
| | Fort Stewart | $8,400,000 |
| Hawaii | Schofield Barracks | $30,000,000 |
| Kansas | Fort Riley | $7,000,000 |
| Kentucky | Fort Campbell | $10,000,000 |
| | Fort Knox | $5,600,000 |
| New Jersey | Picatinny Arsenal | $5,500,000 |
| New Mexico | White Sands Missile Range | $2,050,000 |
| New York | Fort Drum | $8,800,000 |
| | United States Military Academy | $8,300,000 |
| | Watervliet Arsenal | $680,000 |
| North Carolina | Fort Bragg | $29,700,000 |
| Oklahoma | Fort Sill | $14,300,000 |
| South Carolina | Naval Weapons Station, Charleston | $25,700,000 |
| | Fort Jackson | $32,000,000 |
| Texas | Fort Hood | $32,500,000 |
| | Fort Bliss | $56,900,000 |
| | Fort Sam Houston | $7,000,000 |
| Virginia | Fort Eustis | $16,400,000 |
| Washington | Fort Lewis | $32,100,000 |
| CONUS Classified | Classified Location | $1,900,000 |
| | Total: | $478,230,000 |

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the locations outside the United States, and in the amounts, set forth in the following table:

**Army: Outside the United States**

| Country | Installation or location | Amount |
|---|---|---|
| Korea | Camp Casey | $4,150,000 |
| | Camp Hovey | $13,500,000 |
| | Camp Pelham | $5,600,000 |
| | Camp Stanley | $6,800,000 |
| | Yongsan | $4,500,000 |
| Overseas Classified | Classified Location | $48,000,000 |
| Worldwide | Host Nation Support | $20,000,000 |
| | Total: | $102,550,000 |

### SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

**Army: Family Housing**

| State | Installation | Purpose | Amount |
|---|---|---|---|
| Kentucky | Fort Knox | 150 units | $19,000,000 |
| New York | United States Military Academy, West Point | 119 units | $16,500,000 |
| Virginia | Fort Lee | 135 units | $19,500,000 |
| Washington | Fort Lewis | 84 units | $10,800,000 |
| | | Total: | $65,800,000 |

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $2,000,000.

### SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may improve existing military family housing in an amount not to exceed $48,856,000.

### SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) IN GENERAL.—Subject to subsection (c), funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1995, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $2,147,427,000 as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $478,230,000.

(2) For military construction projects outside the United States authorized by section 2101(b), $102,550,000.

(3) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $9,000,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $34,194,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvements of military family housing and facilities, $116,656,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $1,337,596,000.

(6) For the Homeowners Assistance Program, as authorized by section 2832 of title 10, United States Code, $75,586,000, to remain available until expended.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(c) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (6) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs, reduced by $6,385,000, which represents the combination of project savings resulting from favorable bids, reduced overhead costs, and cancellations due to force structure changes.

# TITLE XXII—NAVY

## SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1), and, in the case of the project described in section 2204(b)(2), other amounts appropriated pursuant to authorizations enacted after this Act for that project, the Secretary of the Navy may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

**Navy: Inside the United States**

| State | Installation or location | Amount |
|---|---|---|
| California | Marine Corps Air-Ground Combat Center, Twentynine Palms | $2,490,000 |
| | Marine Corps Base, Camp Pendleton | $27,584,000 |
| | Naval Command, Control, and Ocean Surveillance Center, San Diego | $3,170,000 |
| | Naval Air Station, Lemoore | $7,600,000 |
| | Naval Air Station, North Island | $99,150,000 |
| | Naval Air Warfare Center Weapons Division, China Lake | $3,700,000 |

**Navy: Inside the United States**—Continued

| State | Installation or location | Amount |
|---|---|---|
| | Naval Air Warfare Center Weapons Division, Point Mugu | $1,300,000 |
| | Naval Construction Batallion Center, Port Hueneme | $16,700,000 |
| | Naval Station, San Diego | $19,960,000 |
| Florida | Naval School Explosive Ordinance Disposal, Eglin Air Force Base | $16,150,000 |
| | Naval Technical Training Center, Corry Station, Pensacola | $2,565,000 |
| Georgia | Strategic Weapons Facility, Atlantic, Kings Bay | $2,450,000 |
| Hawaii | Honolulu Naval Computer and Telecommunications Area, Master Station Eastern Pacific | $1,980,000 |
| | Intelligence Center Pacific, Pearl Harbor | $2,200,000 |
| | Naval Submarine Base, Pearl Harbor | $22,500,000 |
| Illinois | Naval Training Center, Great Lakes | $12,440,000 |
| Indiana | Crane Naval Surface Warfare Center | $3,300,000 |
| Maryland | Naval Academy, Annapolis | $3,600,000 |
| New Jersey | Naval Air Warfare Center Aircraft Division, Lakehurst | $1,700,000 |
| North Carolina | Marine Corps Air Station, Cherry Point | $11,430,000 |
| | Marine Corps Air Station, New River | $14,650,000 |
| | Marine Corps Base, Camp LeJeune | $59,300,000 |
| Pennsylvania | Philadelphia Naval Shipyard | $6,000,000 |
| South Carolina | Marine Corps Air Station, Beaufort | $15,000,000 |
| Texas | Naval Air Station, Corpus Christi | $4,400,000 |
| | Naval Air Station, Kingsville | $2,710,000 |
| | Naval Station, Ingleside | $2,640,000 |
| Virginia | Fleet and Industrial Supply Center, Williamsburg | $8,390,000 |
| | Henderson Hall, Arlington | $1,900,000 |
| | Marine Corps Combat Development Command, Quantico | $3,500,000 |
| | Naval Hospital, Portsmouth | $9,500,000 |
| | Naval Station, Norfolk | $10,580,000 |
| | Naval Weapons Station, Yorktown | $1,300,000 |
| Washington | Naval Undersea Warfare Center Division, Keyport | $5,300,000 |
| | Puget Sound Naval Shipyard, Bremerton | $19,870,000 |
| West Virginia | Naval Security Group Detachment | $7,200,000 |
| CONUS Classified | Classified Locations | $1,200,000 |
| | Total: | $435,409,000 |

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

**Navy: Outside the United States**

| Country | Installation or location | Amount |
|---|---|---|
| Guam | Naval Computer and Telecommunications Area, Master Station Western Pacific | $2,250,000 |

**Navy: Outside the United States**—Continued

| Country | Installation or location | Amount |
|---|---|---|
| | Navy Public Works Center, Guam | $16,180,000 |
| Italy | Naval Air Station, Sigonella | $12,170,000 |
| | Naval Support Activity, Naples | $24,950,000 |
| Puerto Rico | Naval Security Group Activity, Sabana Seca | $2,200,000 |
| | Naval Station, Roosevelt Roads | $11,500,000 |
| | Total | $69,250,000 |

### SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

**Navy: Family Housing**

| State | Installation | Purpose | Amount |
|---|---|---|---|
| California | Marine Corps Base, Camp Pendleton | 138 units | $20,000,000 |
| | Marine Corps Base, Camp Pendleton | Community Center. | $1,438,000 |
| | Marine Corps Base, Camp Pendleton | Housing Office | $707,000 |
| | Naval Air Station, Lemoore | 240 units | $34,900,000 |
| | Pacific Missile Test Center, Point Mugu | Housing Office | $1,020,000 |
| | Public Works Center, San Diego | 346 units | $49,310,000 |
| Hawaii | Naval Complex, Oahu | 252 units | $48,400,000 |
| Maryland | Naval Air Test Center, Patuxent River | Warehouse | $890,000 |
| | US Naval Academy, Annapolis | Housing Office | $800,000 |
| North Carolina | Marine Corps Air Station, Cherry Point | Community Center. | $1,003,000 |
| Pennsylvania | Navy Ships Parts Control Center, Mechanicsburg | Housing Office | $300,000 |
| Puerto Rico | Naval Station, Roosevelt Roads | Housing Office | $710,000 |
| Virginia | Naval Surface Warfare Center, Dahlgren | Housing Office | $520,000 |
| | Public Works Center, Norfolk | 320 units | $42,500,000 |
| | Public Works Center, Norfolk | Housing Office | $1,390,000 |
| West Virginia | Security Group Naval Detachment, Sugar Grove | 23 units | $3,590,000 |
| | | Total: | $207,478,000 |

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $24,390,000.

### SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may improve existing military family housing units in an amount not to exceed $290,831,000.

### SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) IN GENERAL.—Subject to subsection (c), funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1995, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $2,119,317,000 as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $427,709,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $69,250,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $7,200,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $50,515,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $522,699,000.

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), $1,048,329,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a); and

(2) $7,700,000 (the balance of the amount authorized under section 2201(a) for the construction of a bachelor enlisted quarters at the Naval Construction Batallion Center, Port Hueneme, California).

(c) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (5) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs, reduced by $6,385,000, which represents the combination of project savings resulting from favorable bids, reduced overhead costs, and cancellations due to force structure changes.

### SEC. 2205. REVISION OF FISCAL YEAR 1995 AUTHORIZATION OF APPROPRIATIONS TO CLARIFY AVAILABILITY OF FUNDS FOR LARGE ANECHOIC CHAMBER FACILITY, PATUXENT RIVER NAVAL WARFARE CENTER, MARYLAND.

Section 2204(a) of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 108 Stat. 3033) is amended—

(1) in the matter preceding paragraph (1), by striking out "$1,591,824,000" and inserting in lieu thereof "$1,601,824,000"; and

(2) by adding at the end the following:

"(6) For the construction of the large anechoic chamber facility at the Patuxent River Naval Warfare Center, Aircraft Division, Maryland, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2590), $10,000,000.".

### SEC. 2206. AUTHORITY TO CARRY OUT LAND ACQUISITION PROJECT, HAMPTON ROADS, VIRGINIA.

The table in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2589) is amended—

(1) in the item relating to Damneck, Fleet Combat Training Center, Virginia, by striking out "$19,427,000" in the amount column and inserting in lieu thereof "$14,927,000"; and

(2) by inserting after the item relating to Damneck, Fleet Combat Training Center, Virginia, the following new item:

| | | |
|---|---|---|
| | Hampton Roads ............................... | $4,500,000 |

### SEC. 2207. ACQUISITION OF LAND, HENDERSON HALL, ARLINGTON, VIRGINIA.

(a) AUTHORITY TO ACQUIRE.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1), the Secretary of the Navy may acquire all right, title, and interest of any party in and to a parcel of real property, including an abandoned mausoleum, consisting of approximately 0.75 acres and located in Arlington, Virginia, the site of Henderson Hall.

(b) DEMOLITION OF MAUSOLEUM.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1), the Secretary may—

(1) demolish the mausoleum located on the parcel acquired under subsection (a); and

(2) provide for the removal and disposition in an appropriate manner of the remains contained in the mausoleum.

(c) AUTHORITY TO DESIGN PUBLIC WORKS FACILITY.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1), the Secretary may obtain architectural and engineering services and construction design for a warehouse and office facility for the Marine Corps to be constructed on the property acquired under subsection (a).

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property authorized to be acquired under subsection (a) shall be determined by a survey that is satisfactory to the Secretary. The cost of the survey shall be borne by the Secretary.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the acquisition under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

### SEC. 2208. ACQUISITION OR CONSTRUCTION OF MILITARY FAMILY HOUSING IN VICINITY OF SAN DIEGO, CALIFORNIA.

(a) AUTHORITY TO USE LITIGATION PROCEEDS.—Upon final settlement in the case of Rossmoor Liquidating Trust against United States, in the United States District Court for the Central District of California (Case No. CV 82–0956 LEW (Px)), the Secretary of the Treasury shall deposit in a separate account any funds paid to the United States in settlement of such case. At the request of the Secretary of the Navy, the Secretary of the Treasury shall make available amounts in the account to the Secretary of the Navy solely for the acquisition or construction of military family housing, including the acquisition of land necessary for such acquisition or construction, for members of the Armed Forces and their dependents stationed in, or in the vicinity of, San Diego, California. In using amounts in the account, the Secretary of the Navy may use the authorities provided in subchapter IV of chapter 169 of title 10, United States Code, as added by section 2801 of this Act.

(b) UNITS AUTHORIZED.—Not more than 150 military family housing units may be acquired or constructed with funds referred to in subsection (a). The units authorized by this subsection are in addition to any other units of military family housing authorized to be acquired or constructed in, or in the vicinity of, San Diego, California.

(c) PAYMENT OF EXCESS INTO TREASURY.—The Secretary of the Treasury shall deposit into the Treasury as miscellaneous receipts funds referred to in subsection (a) that have not been obligated for construction under this section within four years after receipt thereof.

(d) LIMITATION.—The Secretary may not enter into any contract for the acquisition or construction of military family housing under this section until after the expiration of the 21-day period beginning on the day after the day on which the Secretary transmits to the congressional defense committees a report containing the details of such contract.

(e) REPEAL OF EXISTING AUTHORITY.—Section 2848 of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101–189; 103 Stat. 1666) is repealed.

## TITLE XXIII—AIR FORCE

### SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(1), and, in the case of the project described in section 2304(b)(2), other amounts appropriated pursuant to authorizations enacted after this Act for that project, the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

### Air Force: Inside the United States

| State | Installation or location | Amount |
|---|---|---|
| Alabama | Maxwell Air Force Base | $5,200,000 |
| Alaska | Eielson Air Force Base | $7,850,000 |
| | Elmendorf Air Force Base | $9,100,000 |
| | Tin City Long Range RADAR Site | $2,500,000 |
| Arizona | Davis-Monthan Air Force Base | $4,800,000 |
| | Luke Air Force Base | $5,200,000 |
| Arkansas | Little Rock Air Force Base | $2,500,000 |
| California | Beale Air Force Base | $7,500,000 |
| | Edwards Air Force Base | $33,800,000 |
| | Travis Air Force Base | $26,700,000 |
| | Vandenberg Air Force Base | $6,000,000 |
| Colorado | Buckley Air National Guard Base | $5,500,000 |
| | Peterson Air Force Base | $4,390,000 |
| | US Air Force Academy | $12,874,000 |
| Delaware | Dover Air Force Base | $5,500,000 |
| District of Columbia | Bolling Air Force Base | $12,100,000 |
| Florida | Cape Canaveral Air Force Station | $1,600,000 |
| | Eglin Air Force Base | $13,500,000 |
| | Tyndall Air Force Base | $1,200,000 |
| Georgia | Moody Air Force Base | $25,190,000 |
| | Robins Air Force Base | $12,400,000 |
| Hawaii | Hickam Air Force Base | $10,700,000 |
| Idaho | Mountain Home Air Force Base | $18,650,000 |
| Illinois | Scott Air Force Base | $12,700,000 |
| Kansas | McConnell Air Force Base | $9,450,000 |
| Louisiana | Barksdale Air Force Base | $2,500,000 |
| Maryland | Andrews Air Force Base | $12,886,000 |
| Mississippi | Columbus Air Force Base | $1,150,000 |
| | Keesler Air Force Base | $6,500,000 |
| Missouri | Whiteman Air Force Base | $24,600,000 |
| Nevada | Nellis Air Force Base | $17,500,000 |
| New Jersey | McGuire Air Force Base | $16,500,000 |
| New Mexico | Cannon Air Force Base | $13,420,000 |
| | Holloman Air Force Base | $6,000,000 |
| | Kirtland Air Force Base | $9,156,000 |
| North Carolina | Pope Air Force Base | $8,250,000 |
| | Seymour Johnson Air Force Base | $5,530,000 |
| North Dakota | Grand Forks Air Force Base | $14,800,000 |
| | Minot Air Force Base | $1,550,000 |
| Ohio | Wright Patterson Air Force Base | $4,100,000 |
| Oklahoma | Altus Air Force Base | $4,800,000 |
| | Tinker Air Force Base | $11,100,000 |
| South Carolina | Charleston Air Force Base | $12,500,000 |
| | Shaw Air Force Base | $1,300,000 |
| South Dakota | Ellsworth Air Force Base | $7,800,000 |
| Tennessee | Arnold Air Force Base | $5,000,000 |
| Texas | Dyess Air Force Base | $5,400,000 |
| | Goodfellow Air Force Base | $1,000,000 |
| | Kelly Air Force Base | $3,244,000 |
| | Laughlin Air Force Base | $1,400,000 |
| | Randolph Air Force Base | $3,100,000 |
| | Sheppard Air Force Base | $1,500,000 |
| Utah | Hill Air Force Base | $8,900,000 |
| Virginia | Langley Air Force Base | $1,000,000 |
| Washington | Fairchild Air Force Base | $15,700,000 |
| | McChord Air Force Base | $9,900,000 |
| Wyoming | F.E. Warren Air Force Base | $9,000,000 |

**Air Force: Inside the United States**—Continued

| State | Installation or location | Amount |
|---|---|---|
| CONUS Classified | Classified Location | $700,000 |
| | Total: | $504,690,000 |

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(2), the Secretary of the Air Force may acquire real property and may carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

**Air Force: Outside the United States**

| Country | Installation or location | Amount |
|---|---|---|
| Germany | Spangdahlem Air Base | $8,380,000 |
| | Vogelweh Annex | $2,600,000 |
| Greece | Araxos Radio Relay Site | $1,950,000 |
| Italy | Aviano Air Base | $2,350,000 |
| | Ghedi Radio Relay Site | $1,450,000 |
| Turkey | Ankara Air Station | $7,000,000 |
| | Incirlik Air Base | $4,500,000 |
| United Kingdom | Lakenheath Royal Air Force Base | $1,820,000 |
| | Mildenhall Royal Air Force Base | $2,250,000 |
| Overseas Classified | Classified Location | $17,100,000 |
| | Total: | $49,400,000 |

**SEC. 2302. FAMILY HOUSING.**

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

**Air Force: Family Housing**

| State/Country | Installation | Purpose | Amount |
|---|---|---|---|
| Alaska | Elmendorf Air Force Base | Housing Office/ Maintenance Facility. | $3,000,000 |
| Arizona | Davis-Monthan Air Force Base. | 80 units | $9,498,000 |
| Arkansas | Little Rock Air Force Base | Replace 1 General Officer Quarters. | $210,000 |
| California | Beale Air Force Base | Family Housing Office. | $842,000 |
| | Edwards Air Force Base | 127 units | $20,750,000 |
| | Vandenberg Air Force Base. | Family Housing Office. | $900,000 |
| | Vandenberg Air Force Base. | 143 units | $20,200,000 |

**Air Force: Family Housing**—Continued

| State/Country | Installation | Purpose | Amount |
|---|---|---|---|
| Colorado | Peterson Air Force Base | Family Housing Office. | $570,000 |
| District of Columbia. | Bolling Air Force Base | 32 units | $4,100,000 |
| Florida | Eglin Air Force Base | Family Housing Office. | $500,000 |
| | Eglin Auxiliary Field 9 | Family Housing Office. | $880,000 |
| | MacDill Air Force Base | Family Housing Office. | $646,000 |
| | Patrick Air Force Base | 70 units | $7,947,000 |
| | Tyndall Air Force Base | 82 units | $9,800,000 |
| Georgia | Moody Air Force Base | 1 Officer & 1 General Officer Quarter. | $513,000 |
| | Robins Air Force Base | 83 units | $9,800,000 |
| Guam | Andersen Air Force Base | Housing Maintenance Facility. | $1,700,000 |
| Idaho | Mountain Home Air Force Base. | Housing Management Facility. | $844,000 |
| Kansas | McConnell Air Force Base | 39 units | $5,193,000 |
| Louisiana | Barksdale Air Force Base | 62 units | $10,299,000 |
| Massachusetts | Hanscom Air Force Base | 32 units | $4,900,000 |
| Mississippi | Keesler Air Force Base | 98 units | $9,300,000 |
| Missouri | Whiteman Air Force Base | 72 units | $9,948,000 |
| Nevada | Nellis Air Force Base | 102 units | $16,357,000 |
| New Mexico | Holloman Air Force Base | 1 General Officer Quarters. | $225,000 |
| | Kirtland Air Force Base | 105 units | $11,000,000 |
| North Carolina | Pope Air Force Base | 104 units | $9,984,000 |
| | Seymour Johnson Air Force Base. | 1 General Officer Quarters. | $204,000 |
| South Carolina | Shaw Air Force Base | Housing Maintenance Facility. | $715,000 |
| Texas | Dyess Air Force Base | Housing Maintenance Facility. | $580,000 |
| | Lackland Air Force Base | 67 units | $6,200,000 |
| | Sheppard Air Force Base | Management Office. | $500,000 |
| | Sheppard Air Force Base | Housing Maintenance Facility. | $600,000 |
| Turkey | Incirlik Air Base | 150 units | $10,146,000 |
| Washington | McChord Air Force Base | 50 units | $9,504,000 |
| | | Total: | $198,355,000 |

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $8,989,000.

### SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $90,959,000.

### SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) In General.—Subject to subsection (c), funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1995, for military construction, land acquisition and military family housing functions of the Department of the Air Force in the total amount of $1,735,086,000 as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), $504,690,000.

(2) For military construction projects outside the United States authorized by section 2301(b), $49,400,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $9,030,000

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code $30,835,000.

(5) For military housing functions:

(A) For construction and acquisition, planning and design and improvement of military family housing and facilities, $298,303,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $849,213,000.

(b) Limitation on Total Cost of Construction Projects.—Notwithstanding the cost variations authorized by section 285 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2301 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a); and

(2) $5,400,000 (the balance of the amount authorized under section 2301(a) for the construction of a corrosion control facility at Tinker Air Force Base, Oklahoma).

(c) Adjustment.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (5) of subsection (a is the sum of the amounts authorized to be appropriated in such paragraphs, reduced by $6,385,000, which represents the combination of project savings resulting from favorable bids, reduced overhead costs, and cancellations due to force structure changes.

### SEC. 2305. RETENTION OF ACCRUED INTEREST ON FUNDS DEPOSITED FOR CONSTRUCTION OF FAMILY HOUSING, SCOTT AIR FORCE BASE, ILLINOIS.

(a) Retention of Interest.—Section 2310 of the Military Construction Authorization Act for Fiscal Year 1994 (division of Public Law 103–160; 107 Stat. 1874) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following new subsection:

"(b) Retention of Interest.—Interest accrued on the funds transferred to the County pursuant to subsection (a) shall be retained in the same account as the transferred funds and shall be available to the County for the same purpose as the transferred funds.".

(b) LIMITATION ON UNITS CONSTRUCTED.—Subsection (c) of such section, as redesignated by subsection (a)(1), is amended by adding at the end the following new sentence: "The number of units constructed using the transferred funds (and interest accrued on such funds) may not exceed the number of units of military family housing authorized for Scott Air Force Base in section 2302(a) of the Military Construction Authorization Act for Fiscal Year 1993.".

(c) EFFECT OF COMPLETION OF CONSTRUCTION.—Such section is further amended by adding at the end the following new subsection:

"(d) COMPLETION OF CONSTRUCTION.—Upon the completion of the construction authorized by this section, all funds remaining from the funds transferred pursuant to subsection (a), and the remaining interest accrued on such funds, shall be deposited in the general fund of the Treasury of the United States.".

(d) REPORTS ON ACCRUED INTEREST.—Such section is further amended by adding at the end the following new subsection:

"(e) REPORTS ON ACCRUED INTEREST.—Not later than March 1 of each year following a year in which funds available to the County under this section are used by the County for the purpose referred to in subsection (c), the Secretary shall submit to the congressional defense committees a report setting forth the amount of interest that accrued on such funds during the preceding year.".

# TITLE XXIV—DEFENSE AGENCIES

## SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(1), and, in the case of the project described in section 2405(b)(2), other amounts appropriated pursuant to authorizations enacted after this Act for that project, the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

**Defense Agencies: Inside the United States**

| Agency/State | Installation or location | Amount |
|---|---|---|
| **Ballistic Missile Defense Organization** | | |
| Texas | Fort Bliss | $13,600,000 |
| **Defense Finance & Accounting Service** | | |
| Ohio | Columbus Center | $72,403,000 |
| **Defense Intelligence Agency** | | |
| District of Columbia | Bolling Air Force Base | $498,000 |
| **Defense Logistics Agency** | | |
| Alabama | Defense Distribution Anniston | $3,550,000 |
| California | Defense Distribution Stockton | $15,000,000 |

**Defense Agencies: Inside the United States**—Continued

| Agency/State | Installation or location | Amount |
|---|---|---|
| | DFSC, Point Mugu | $750,000 |
| Delaware | DFSC, Dover Air Force Base | $15,554,000 |
| Florida | DFSC, Eglin Air Force Base | $2,400,000 |
| Louisiana | DFSC, Barksdale Air Force Base | $13,100,000 |
| New Jersey | DFSC, McGuire Air Force Base | $12,000,000 |
| Pennsylvania | Defense Distribution New Cumberland—DDSP | $4,600,000 |
| Virginia | Defense Distribution Depot—DDNV | $10,400,000 |
| **Defense Mapping Agency** | | |
| Missouri | Defense Mapping Agency Aerospace Center | $40,300,000 |
| **Defense Medical Facility Office** | | |
| Alabama | Maxwell Air Force Base | $10,000,000 |
| Arizona | Luke Air Force Base | $8,100,000 |
| California | Fort Irwin | $6,900,000 |
| | Marine Corps Base, Camp Pendleton | $1,700,000 |
| | Vandenberg Air Force Base | $5,700,000 |
| Delaware | Dover Air Force Base | $4,400,000 |
| Georgia | Fort Benning | $5,600,000 |
| Louisiana | Barksdale Air Force Base | $4,100,000 |
| Maryland | Bethesda Naval Hospital | $1,300,000 |
| | Walter Reed Army Institute of Research | $1,550,000 |
| Texas | Fort Hood | $5,500,000 |
| | Lackland Air Force Base | $6,100,000 |
| Virginia | Northwest Naval Security Group Activity | $4,300,000 |
| **National Security Agency** | | |
| Maryland | Fort Meade | $18,733,000 |
| **Office of the Secretary of Defense** | | |
| Inside the United States | Classified location | $11,500,000 |
| **Department of Defense Dependents Schools** | | |
| Alabama | Maxwell Air Force Base | $5,479,000 |
| Georgia | Fort Benning | $1,116,000 |
| South Carolina | Fort Jackson | $576,000 |
| **Special Operations Command** | | |
| California | Camp Pendleton | $5,200,000 |
| Florida | Eglin Air Force Base (Duke Field) | $2,400,000 |
| | Eglin Auxiliary Field 9 | $14,150,000 |
| North Carolina | Fort Bragg | $23,800,000 |
| Pennsylvania | Olmstead Field, Harrisburg IAP | $1,643,000 |
| Virginia | Dam Neck | $4,500,000 |
| | Naval Amphibious Base, Little Creek | $6,100,000 |
| | Total: | $364,602,000 |

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(2), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, se forth in the following table:

**Defense Agencies: Outside the United States**

| Agency/Country | Installation name | Amount |
|---|---|---|
| **Defense Logistics Agency** | | |
| Puerto Rico | Defense Fuel Support Point, Roosevelt Roads | $6,200,000 |
| Spain | DFSC Rota | $7,400,000 |
| **Defense Medical Facility Office** | | |
| Italy | Naval Support Activity, Naples | $5,000,000 |
| **Department of Defense Dependents Schools** | | |
| Germany | Ramstein Air Force Base | $19,205,000 |
| Italy | Naval Air Station, Sigonella | $7,595,000 |
| **National Security Agency** | | |
| United Kingdom | Menwith Hill Station | $677,000 |
| **Special Operations Command** | | |
| Guam | Naval Station, Guam | $8,800,000 |
| | Total: | $54,877,000 |

### SEC. 2402. MILITARY FAMILY HOUSING PRIVATE INVESTMENT.

(a) AVAILABILITY OF FUNDS FOR INVESTMENT.—Of the amount authorized to be appropriated pursuant to section 2405(a)(11)(A), $22,000,000 shall be available for crediting to the Department of Defense Family Housing Improvement Fund established by section 2883(a)(1) of title 10, United States Code (as added by section 2801 of this Act).

(b) USE OF FUNDS.—The Secretary of Defense may use funds credited to the Department of Defense Family Housing Improvement Fund under subsection (a) to carry cut any activities authorized by subchapter IV of chapter 169 of such title (as added by such section) with respect to military family housing.

### SEC. 2403. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(11)(A), the Secretary of Defense may improve existing military family housing units in an amount not to exceed $3,772,000.

### SEC. 2404. ENERGY CONSERVATION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(9), the Secretary of Defense may carry out energy conservation projects under section 2865 of title 10, United States Code.

### SEC. 2405. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1995, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), in the total amount of $4,629,491,000 as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $329,599,000.

(2) For military construction projects outside the United States authorized by section 2401(b), $54,877,000.

(3) For military construction projects at Portsmouth Naval Hospital, Virginia, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101–189; 103 Stat. 1640), $47,900,000.

(4) For military construction projects at Elmendorf Air Force Base, Alaska, hospital replacement, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2599), $28,100,000.

(5) For military construction projects at Walter Reed Army Institute of Research, Maryland, hospital replacement, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2599), $27,000,000.

(6) For unspecified minor construction projects under section 2805 of title 10, United States Code, $23,007,000.

(7) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $11,037,000.

(8) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $68,837,000.

(9) For energy conservation projects authorized by section 2404, $40,000,000.

(10) For base closure and realignment activities as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), $3,897,892,000.

(11) For military family housing functions:

(A) For construction and acquisition and improvement of military family housing and facilities, $25,772,000.

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), $40,467,000, of which not more than $24,874,000 may be obligated or expended for the leasing of military family housing units worldwide.

(b) LIMITATION OF TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variation authorized by section 2853 of title 10, United States Code, and any other cost variations authorized by law, the total cost of all projects carried out under section 2401 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a); and

(2) $35,003,000 (the balance of the amount authorized under section 2401(a) for the construction of a center of the Defense Finance and Accounting Service at Columbus, Ohio).

### SEC. 2406. LIMITATIONS ON USE OF DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 1990.

(a) SET ASIDE FOR 1995 ROUND.—Of the amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(10), $784,569,000 shall be available only for the purposes described in section 2905 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) with respect to military installations approved for closure or realignment in 1995.

(b) CONSTRUCTION.—Amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(10) may not be obligated to carry out a construction project with respect to military installations approved for closure or realignment in 1995 until after the date on which the Secretary of Defense submits to Congress a five-year program for executing the 1995 base realignment and closure plan. The limitation contained in this subsection shall not prohibit site surveys, environmental baseline surveys, environmental analysis under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and planning and design work conducted in anticipation of such construction.

### SEC. 2407. MODIFICATION OF AUTHORITY TO CARRY OUT FISCAL YEAR 1995 PROJECTS.

The table in section 2401 of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 108 Stat. 3040), under the agency heading relating to Chemical Weapons and Munitions Destruction, is amended—

(1) in the item relating to Pine Bluff Arsenal, Arkansas, by striking out "$3,000,000" in the amount column and inserting in lieu thereof "$115,000,000"; and

(2) in the item relating to Umatilla Army Depot, Oregon, by striking out "$12,000,000" in the amount column and inserting in lieu thereof "$186,000,000".

### SEC. 2408. REDUCTION IN AMOUNTS AUTHORIZED TO BE APPROPRIATED FOR FISCAL YEAR 1994 CONTINGENCY CONSTRUCTION PROJECTS.

Section 2403(a) of the Military Construction Authorization Act for Fiscal Year 1994 (division B of Public Law 103–160; 107 Stat. 1876) is amended—

(1) in the matter preceding paragraph (1), by striking out "$3,268,394,000" and inserting in lieu thereof "$3,260,263,000"; and

(2) in paragraph (10), by striking out "$12,200,000" and inserting in lieu thereof "$4,069,000".

## TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

### SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Infrastructure program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

### SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1995, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Infrastructure program as authorized by section 2501, in the amount of $161,000,000

# TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

### SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

There are authorized to be appropriated for fiscal years beginning after September 30, 1995, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 133 of title 10, United States Code (including the cost of acquisition of land for those facilities), the following amounts

(1) For the Department of the Army—

(A) for the Army National Guard of the United States $134,802,000; and

(B) for the Army Reserve, $73,516,000.

(2) For the Department of the Navy, for the Naval and Marine Corps Reserve, $19,055,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States $170,917,000; and

(B) for the Air Force Reserve, $36,232,000.

### SEC. 2602. REDUCTION IN AMOUNT AUTHORIZED TO BE APPROPRIATED FOR FISCAL YEAR 1994 AIR NATIONAL GUARD PROJECTS.

Section 2601(3)(A) of the Military Construction Authorization Act for Fiscal Year 1994 (division B of Public Law 103–160; 107 Stat. 1878) is amended by striking out "$236,341,000" and inserting in lieu thereof "$229,641,000".

### SEC. 2603. CORRECTION IN AUTHORIZED USES OF FUNDS FOR ARMY NATIONAL GUARD PROJECTS IN MISSISSIPPI.

(a) In General.—Subject to subsection (b), amounts appropriated pursuant to the authorization of appropriations in section 2601(1)(A) of the Military Construction Authorization Act for Fiscal Year 1994 (division B of Public Law 103–160; 107 Stat. 1878 for the addition or alteration of Army National Guard Armories at various locations in the State of Mississippi shall be available for the addition, alteration, or new construction of armory facilities and an operation and maintenance shop facility (including the acquisition of land for such facilities) at various locations in the State of Mississippi.

Reports. (b) Notice and Wait.—The amounts referred to in subsection (a) shall not be available for construction with respect to a facility referred to in that subsection until 21 days after the date on which the Secretary of the Army submits to Congress a repor describing the construction (including any land acquisition) to be carried out with respect to the facility.

# TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

## SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVI for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Infrastructure program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 1998; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 1999.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Infrastructure program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 1998; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 1999 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Infrastructure program.

## SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1993 PROJECTS.

(a) EXTENSIONS.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2602), authorizations for the projects set forth in the tables in subsection (b), as provided in section 2101, 2301, or 2601 of that Act or in section 2201 of that Act (as amended by section 2206 of this Act), shall remain in effect until October 1, 1996, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1997, whichever is later.

(b) TABLES.—The tables referred to in subsection (a) are as follows:

**Army: Extension of 1993 Project Authorizations**

| State | Installation or Location | Project | Amount |
|---|---|---|---|
| Arkansas | Pine Bluff Arsenal | Ammunition Demilitarization Support Facility. | $15,000,000 |
| Hawaii | Schofield Barracks | Add/Alter Sewage Treatment Plant. | $17,500,000 |

### Navy: Extension of 1993 Project Authorizations

| State | Installation or Location | Project | Amount |
|---|---|---|---|
| California | Camp Pendleton Marine Corps Base. | Sewage Treatment Plant Modifications. | $19,740,000 |
| Maryland | Patuxent River Naval Warfare Center. | Large Anechoic Chamber, Phase I. | $60,990,000 |
| Mississippi | Meridian Naval Air Station. | Child Development Center. | $1,100,000 |
| Virginia | Hampton Roads | Land Acquisition. | $4,500,000 |

### Air Force: Extension of 1993 Project Authorizations

| State | Installation or Location | Project | Amount |
|---|---|---|---|
| Arkansas | Little Rock Air Force Base. | Fire Training Facility. | $710,000 |
| District of Columbia | Bolling Air Force Base. | Civil Engineer Complex. | $9,400,000 |
| Mississippi | Keesler Air Force Base. | Alter Student Dormitory. | $3,100,000 |
| North Carolina | Pope Air Force Base | Construct Bridge Road and Utilities. | $4,000,000 |
| | Pope Air Force Base | Munitions Storage Complex. | $4,300,000 |
| Virginia | Langley Air Force Base. | Base Engineer Complex. | $5,300,000 |
| Guam | Andersen Air Base | Landfill | $10,000,000 |
| Portugal | Lajes Field | Water Wells | $865,000 |
| | Lajes Field | Fire Training Facility. | $950,000 |

### Army National Guard: Extension of 1993 Project Authorizations

| State | Installation or Location | Project | Amount |
|---|---|---|---|
| Alabama | Tuscaloosa | Armory | $2,273,000 |
| | Union Springs | Armory | $813,000 |
| Oregon | La Grande | Organizational Maintenance Shop. | $1,220,000 |
| | La Grande | Armory Addition. | $3,049,000 |
| Pennsylvania | Indiana | Armory | $1,700,000 |
| Rhode Island | North Kingston | Add/Alter Armory. | $3,330,000 |

**Army Reserve: Extension of 1993 Project Authorizations**

| State | Installation or Location | Project | Amount |
|---|---|---|---|
| West Virginia | Bluefield | United States Army Reserve Center. | $1,921,000 |
| | Clarksburg | United States Army Reserve Center. | $1,566,000 |
| | Grantville | United States Army Reserve Center. | $2,785,000 |
| | Lewisburg | United States Army Reserve Center. | $1,631,000 |
| | Weirton | United States Army Reserve Center. | $3,481,000 |

### SEC. 2703. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1992 PROJECTS.

(a) EXTENSIONS.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102–190; 105 Stat. 1535), authorizations for the projects set forth in the tables in subsection (b), as provided in section 2101 or 2601 of that Act, and extended by section 2702 of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 108 Stat. 3047), shall remain in effect until October 1, 1996, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1997, whichever is later.

(b) TABLES.—The tables referred to in subsection (a) are as follows:

**Army: Extension of 1992 Project Authorizations**

| State | Installation or Location | Project | Amount |
|---|---|---|---|
| Oregon | Umatilla Army Depot | Ammunition Demilitarization Support Facility. | $3,600,000 |
| | Umatilla Army Depot | Ammunition Demilitarization Utilities. | $7,500,000 |

**Army National Guard: Extension of 1992 Project Authorization**

| State | Installation or Location | Project | Amount |
|---|---|---|---|
| Ohio | Toledo | Armory | $3,183,000 |

**Army Reserve: Extension of 1992 Project Authorization**

| State | Installation or Location | Project | Amount |
|---|---|---|---|
| Tennessee | Jackson | Joint Training Facility. | $1,537,000 |

# TITLE XXVIII—GENERAL PROVISIONS

## Subtitle A—Military Housing Privatization Initiative

### SEC. 2801. ALTERNATIVE AUTHORITY FOR CONSTRUCTION AND IMPROVEMENT OF MILITARY HOUSING.

(a) ALTERNATIVE AUTHORITY TO CONSTRUCT AND IMPROVE MILITARY HOUSING.—(1) Chapter 169 of title 10, United States Code, is amended by adding at the end the following new subchapter:

### "SUBCHAPTER IV—ALTERNATIVE AUTHORITY FOR ACQUISITION AND IMPROVEMENT OF MILITARY HOUSING

"Sec.
"2871. Definitions.
"2872. General authority.
"2873. Direct loans and loan guarantees.
"2874. Leasing of housing to be constructed.
"2875. Investments in nongovernmental entities.
"2876. Rental guarantees.
"2877. Differential lease payments.
"2878. Conveyance or lease of existing property and facilities.
"2879. Interim leases.
"2880. Unit size and type.
"2881. Ancillary supporting facilities.
"2882. Assignment of members of the armed forces to housing units.
"2883. Department of Defense Housing Funds.
"2884. Reports.
"2885. Expiration of authority.

### "§ 2871. Definitions

"In this subchapter:

"(1) The term 'ancillary supporting facilities' means facilities related to military housing units, including child care centers, day care centers, tot lots, community centers, housing offices, dining facilities, unit offices, and other similar facilities for the support of military housing.

"(2) The term 'base closure law' means the following:

"(A) Section 2687 of this title.

"(B) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note).

"(C) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

"(3) The term 'construction' means the construction of military housing units and ancillary supporting facilities or the improvement or rehabilitation of existing units or ancillary supporting facilities.

"(4) The term 'contract' includes any contract, lease, or other agreement entered into under the authority of this subchapter.

"(5) The term 'Fund' means the Department of Defense Family Housing Improvement Fund or the Department of Defense Military Unaccompanied Housing Improvement Fund established under section 2883(a) of this title.

"(6) The term 'military unaccompanied housing' means military housing intended to be occupied by members of the armed forces serving a tour of duty unaccompanied by dependents.

"(7) The term 'United States' includes the Commonwealth of Puerto Rico.

### "§ 2872. General authority

"In addition to any other authority provided under this chapter for the acquisition or construction of military family housing or military unaccompanied housing, the Secretary concerned may exercise any authority or any combination of authorities provided under this subchapter in order to provide for the acquisition or construction by private persons of the following:

"(1) Family housing units on or near military installations within the United States and its territories and possessions.

"(2) Military unaccompanied housing units on or near such military installations.

### "§ 2873. Direct loans and loan guarantees

"(a) DIRECT LOANS.—(1) Subject to subsection (c), the Secretary concerned may make direct loans to persons in the private sector in order to provide funds to such persons for the acquisition or construction of housing units that the Secretary determines are suitable for use as military family housing or as military unaccompanied housing.

"(2) The Secretary concerned shall establish such terms and conditions with respect to loans made under this subsection as the Secretary considers appropriate to protect the interests of the United States, including the period and frequency for repayment of such loans and the obligations of the obligors on such loans upon default.

"(b) LOAN GUARANTEES.—(1) Subject to subsection (c), the Secretary concerned may guarantee a loan made to any person in the private sector if the proceeds of the loan are to be used by the person to acquire, or construct housing units that the Secretary determines are suitable for use as military family housing or as military unaccompanied housing.

"(2) The amount of a guarantee on a loan that may be provided under paragraph (1) may not exceed the amount equal to the lesser of—

"(A) the amount equal to 80 percent of the value of the project; or

"(B) the amount of the outstanding principal of the loan.

"(3) The Secretary concerned shall establish such terms and conditions with respect to guarantees of loans under this subsection as the Secretary considers appropriate to protect the interests of the United States, including the rights and obligations of obligors of such loans and the rights and obligations of the United States with respect to such guarantees.

"(c) LIMITATION ON DIRECT LOAN AND GUARANTEE AUTHORITY.—Direct loans and loan guarantees may be made under this section only to the extent that appropriations of budget authority to cover their cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5))) are made in advance, or authority is otherwise provided in appropriation Acts. If such appropriation or other authority is provided, there may be established a financing account (as defined in section 502(7) of such Act (2 U.S.C. 661a(7))), which shall be available for the disbursement of direct loans or payment of claims for payment on loan guarantees under this section and for all other cash flows to and from the Government as a result of direct loans and guarantees made under this section.

### "§ 2874. Leasing of housing to be constructed

"(a) Build and Lease Authorized.—The Secretary concerned may enter into contracts for the lease of military family housing units or military unaccompanied housing units to be constructed under this subchapter.

"(b) Lease Terms.—A contract under this section may be for any period that the Secretary concerned determines appropriate and may provide for the owner of the leased property to operate and maintain the property.

### "§ 2875. Investments in nongovernmental entities

"(a) Investments Authorized.—The Secretary concerned may make investments in nongovernmental entities carrying out projects for the acquisition or construction of housing units suitable for use as military family housing or as military unaccompanied housing.

"(b) Forms of Investment.—An investment under this section may take the form of an acquisition of a limited partnership interest by the United States, a purchase of stock or other equity instruments by the United States, a purchase of bonds or other debt instruments by the United States, or any combination of such forms of investment.

"(c) Limitation on Value of Investment.—(1) The cash amount of an investment under this section in a nongovernmental entity may not exceed an amount equal to 33⅓ percent of the capital cost (as determined by the Secretary concerned) of the project or projects that the entity proposes to carry out under this section with the investment.

"(2) If the Secretary concerned conveys land or facilities to a nongovernmental entity as all or part of an investment in the entity under this section, the total value of the investment by the Secretary under this section may not exceed an amount equal to 45 percent of the capital cost (as determined by the Secretary) of the project or projects that the entity proposes to carry out under this section with the investment.

"(3) In this subsection, the term 'capital cost', with respect to a project for the acquisition or construction of housing, means the total amount of the costs included in the basis of the housing for Federal income tax purposes.

"(d) Collateral Incentive Agreements.—The Secretary concerned shall enter into collateral incentive agreements with nongovernmental entities in which the Secretary makes an investment under this section to ensure that a suitable preference will be afforded members of the armed forces and their dependents in the lease or purchase, as the case may be, of a reasonable number of the housing units covered by the investment.

### "§ 2876. Rental guarantees

"The Secretary concerned may enter into agreements with private persons that acquire or construct military family housing units or military unaccompanied housing units under this subchapter in order to assure—

"(1) the occupancy of such units at levels specified in the agreements; or

"(2) rental income derived from rental of such units at levels specified in the agreements.

### "§ 2877. Differential lease payments

"Pursuant to an agreement entered into by the Secretary concerned and a private lessor of military family housing or military unaccompanied housing to members of the armed forces, the Secretary may pay the lessor an amount in addition to the rental payments for the housing made by the members as the Secretary determines appropriate to encourage the lessor to make the housing available to members of the armed forces as military family housing or as military unaccompanied housing.

### "§ 2878. Conveyance or lease of existing property and facilities

"(a) CONVEYANCE OR LEASE AUTHORIZED.—The Secretary concerned may convey or lease property or facilities (including ancillary supporting facilities) to private persons for purposes of using the proceeds of such conveyance or lease to carry out activities under this subchapter.

"(b) INAPPLICABILITY TO PROPERTY AT INSTALLATION APPROVED FOR CLOSURE.—The authority of this section does not apply to property or facilities located on or near a military installation approved for closure under a base closure law.

"(c) TERMS AND CONDITIONS.—(1) The conveyance or lease of property or facilities under this section shall be for such consideration and upon such terms and conditions as the Secretary concerned considers appropriate for the purposes of this subchapter and to protect the interests of the United States.

"(2) As part or all of the consideration for a conveyance or lease under this section, the purchaser or lessor (as the case may be) shall enter into an agreement with the Secretary to ensure that a suitable preference will be afforded members of the armed forces and their dependents in the lease or sublease of a reasonable number of the housing units covered by the conveyance or lease, as the case may be, or in the lease of other suitable housing units made available by the purchaser or lessee.

"(d) INAPPLICABILITY OF CERTAIN PROPERTY MANAGEMENT LAWS.—The conveyance or lease of property or facilities under this section shall not be subject to the following provisions of law:

"(1) Section 2667 of this title.

"(2) The Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.).

"(3) Section 321 of the Act of June 30, 1932 (commonly known as the Economy Act) (40 U.S.C. 303b).

"(4) Section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11401).

### "§ 2879. Interim leases

"Pending completion of a project to acquire or construct military family housing units or military unaccompanied housing units under this subchapter, the Secretary concerned may provide for the interim lease of such units of the project as are complete. The term of a lease under this section may not extend beyond the date of the completion of the project concerned.

### “§ 2880. Unit size and type

“(a) Conformity With Similar Housing Units in Locale.—The Secretary concerned shall ensure that the room patterns and floor areas of military family housing units and military unaccompanied housing units acquired or constructed under this subchapter are generally comparable to the room patterns and floor areas of similar housing units in the locality concerned.

“(b) Inapplicability of Limitations on Space by Pay Grade.—(1) Section 2826 of this title shall not apply to military family housing units acquired or constructed under this subchapter.

“(2) The regulations prescribed under section 2856 of this title shall not apply to any military unaccompanied housing unit acquired or constructed under this subchapter unless the unit is located on a military installation.

### “§ 2881. Ancillary supporting facilities

“Any project for the acquisition or construction of military family housing units or military unaccompanied housing units under this subchapter may include the acquisition or construction of ancillary supporting facilities for the housing units concerned.

### “§ 2882. Assignment of members of the armed forces to housing units

“(a) In General.—The Secretary concerned may assign members of the armed forces to housing units acquired or constructed under this subchapter.

“(b) Effect of Certain Assignments on Entitlement to Housing Allowances.—(1) Except as provided in paragraph (2), housing referred to in subsection (a) shall be considered as quarters of the United States or a housing facility under the jurisdiction of a uniformed service for purposes of section 403(b) of title 37.

“(2) A member of the armed forces who is assigned in accordance with subsection (a) to a housing unit not owned or leased by the United States shall be entitled to a basic allowance for quarters under section 403 of title 37 and, if in a high housing cost area, a variable housing allowance under section 403a of that title.

“(c) Lease Payments Through Pay Allotments.—The Secretary concerned may require members of the armed forces who lease housing in housing units acquired or constructed under this subchapter to make lease payments for such housing pursuant to allotments of the pay of such members under section 701 of title 37.

### “§ 2883. Department of Defense Housing Funds

“(a) Establishment.—There are hereby established on the books of the Treasury the following accounts:

“(1) The Department of Defense Family Housing Improvement Fund.

“(2) The Department of Defense Military Unaccompanied Housing Improvement Fund.

“(b) Commingling of Funds Prohibited.—(1) The Secretary of Defense shall administer each Fund separately.

“(2) Amounts in the Department of Defense Family Housing Improvement Fund may be used only to carry out activities under this subchapter with respect to military family housing.

"(3) Amounts in the Department of Defense Military Unaccompanied Housing Improvement Fund may be used only to carry out activities under this subchapter with respect to military unaccompanied housing.

"(c) CREDITS TO FUNDS.—(1) There shall be credited to the Department of Defense Family Housing Improvement Fund the following:

"(A) Amounts authorized for and appropriated to that Fund.

"(B) Subject to subsection (f), any amounts that the Secretary of Defense transfers, in such amounts as provided in appropriation Acts, to that Fund from amounts authorized and appropriated to the Department of Defense for the acquisition or construction of military family housing.

"(C) Proceeds from the conveyance or lease of property or facilities under section 2878 of this title for the purpose of carrying out activities under this subchapter with respect to military family housing.

"(D) Income derived from any activities under this subchapter with respect to military family housing, including interest on loans made under section 2873 of this title, income and gains realized from investments under section 2875 of this title, and any return of capital invested as part of such investments.

"(2) There shall be credited to the Department of Defense Military Unaccompanied Housing Improvement Fund the following:

"(A) Amounts authorized for and appropriated to that Fund.

"(B) Subject to subsection (f), any amounts that the Secretary of Defense transfers, in such amounts as provided in appropriation Acts, to that Fund from amounts authorized and appropriated to the Department of Defense for the acquisition or construction of military unaccompanied housing.

"(C) Proceeds from the conveyance or lease of property or facilities under section 2878 of this title for the purpose of carrying out activities under this subchapter with respect to military unaccompanied housing.

"(D) Income derived from any activities under this subchapter with respect to military unaccompanied housing, including interest on loans made under section 2873 of this title, income and gains realized from investments under section 2875 of this title, and any return of capital invested as part of such investments.

"(d) USE OF AMOUNTS IN FUNDS.—(1) In such amounts as provided in appropriation Acts and except as provided in subsection (e), the Secretary of Defense may use amounts in the Department of Defense Family Housing Improvement Fund to carry out activities under this subchapter with respect to military family housing, including activities required in connection with the planning, execution, and administration of contracts entered into under the authority of this subchapter.

"(2) In such amounts as provided in appropriation Acts and except as provided in subsection (e), the Secretary of Defense may use amounts in the Department of Defense Military Unaccompanied Housing Improvement Fund to carry out activities under this subchapter with respect to military unaccompanied housing, including activities required in connection with the planning, execution, and administration of contracts entered into under the authority of this subchapter.

"(3) Amounts made available under this subsection shall remain available until expended. The Secretary of Defense may transfer amounts made available under this subsection to the Secretaries of the military departments to permit such Secretaries to carry out the activities for which such amounts may be used.

"(e) LIMITATION ON OBLIGATIONS.—The Secretary may not incur an obligation under a contract or other agreement entered into under this subchapter in excess of the unobligated balance, at the time the contract is entered into, of the Fund required to be used to satisfy the obligation.

"(f) NOTIFICATION REQUIRED FOR TRANSFERS.—A transfer of appropriated amounts to a Fund under paragraph (1)(B) or (2)(B) of subsection (c) may be made only after the end of the 30-day period beginning on the date the Secretary of Defense submits written notice of, and justification for, the transfer to the appropriate committees of Congress.

"(g) LIMITATION ON AMOUNT OF BUDGET AUTHORITY.—The total value in budget authority of all contracts and investments undertaken using the authorities provided in this subchapter shall not exceed—

"(1) $850,000,000 for the acquisition or construction of military family housing; and

"(2) $150,000,000 for the acquisition or construction of military unaccompanied housing.

### "§ 2884. Reports

"(a) PROJECT REPORTS.—(1) The Secretary of Defense shall transmit to the appropriate committees of Congress a report describing—

"(A) each contract for the acquisition or construction of family housing units or unaccompanied housing units that the Secretary proposes to solicit under this subchapter; and

"(B) each conveyance or lease proposed under section 2878 of this title.

"(2) The report shall describe the proposed contract, conveyance, or lease and the intended method of participation of the United States in the contract, conveyance, or lease and provide a justification of such method of participation. The report shall be submitted not later than 30 days before the date on which the Secretary issues the contract solicitation or offers the conveyance or lease.

"(b) ANNUAL REPORTS.—The Secretary of Defense shall include each year in the materials that the Secretary submits to Congress in support of the budget submitted by the President pursuant to section 1105 of title 31 the following:

"(1) A report on the expenditures and receipts during the preceding fiscal year covering the Funds established under section 2883 of this title.

"(2) A methodology for evaluating the extent and effectiveness of the use of the authorities under this subchapter during such preceding fiscal year.

"(3) A description of the objectives of the Department of Defense for providing military family housing and military unaccompanied housing for members of the armed forces.

**"§ 2885. Expiration of authority**

"The authority to enter into a contract under this subchapter shall expire five years after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1996.".

(2) The table of subchapters at the beginning of such chapter is amended by inserting after the item relating to subchapter III the following new item:

"IV. Alternative Authority for Acquisition and Improvement of Military Housing .......... 2871".

10 USC 2884 note.

(b) FINAL REPORT.—Not later than March 1, 2000, the Secretary of Defense shall submit to the congressional defense committees a report on the use by the Secretary of Defense and the Secretaries of the military departments of the authorities provided by subchapter IV of chapter 169 of title 10, United States Code, as added by subsection (a). The report shall assess the effectiveness of such authority in providing for the construction and improvement of military family housing and military unaccompanied housing.

## SEC. 2802. EXPANSION OF AUTHORITY FOR LIMITED PARTNERSHIPS FOR DEVELOPMENT OF MILITARY FAMILY HOUSING.

(a) PARTICIPATION OF OTHER MILITARY DEPARTMENTS.—(1) Subsection (a)(1) of section 2837 of title 10, United States Code, is amended by striking out "of the naval service" and inserting in lieu thereof "of the armed forces".

(2) Subsection (b)(1) of such section is amended by striking out "of the naval service" and inserting in lieu thereof "of the armed forces".

(b) ADMINISTRATION.—(1) Subsection (a)(1) of such section is further amended by striking out "the Secretary of the Navy" in the first sentence and inserting in lieu thereof "the Secretary of a military department".

(2) Subsections (a)(2), (b), (c), (g), and (h) of such section are amended by striking out "Secretary" each place it appears and inserting in lieu thereof "Secretary concerned".

(c) ACCOUNT.—Subsection (d) of such section is amended to read as follows:

Nomenclature.

"(d) ACCOUNT.—(1) There is hereby established on the books of the Treasury an account to be known as the 'Defense Housing Investment Account'.

"(2) There shall be deposited into the Account—

"(A) such funds as may be authorized for and appropriated to the Account;

"(B) any proceeds received by the Secretary concerned from the repayment of investments or profits on investments of the Secretary under subsection (a); and

"(C) any unobligated balances which remain in the Navy Housing Investment Account as of the date of the enactment of the National Defense Authorization Act for Fiscal Year 1996.

"(3) From such amounts as are provided in advance in appropriation Acts, funds in the Account shall be available to the Secretaries concerned in amounts determined by the Secretary of Defense for contracts, investments, and expenses necessary for the implementation of this section.

"(4) The Secretary concerned may not enter into a contract in connection with a limited partnership under subsection (a) or a collateral incentive agreement under subsection (b) unless a sufficient amount of the unobligated balance of the funds in the Account is available to the Secretary, as of the time the contract is entered into, to satisfy the total obligations to be incurred by the United States under the contract.".

(d) TERMINATION OF NAVY HOUSING INVESTMENT BOARD.—Such section is further amended—

(1) by striking out subsection (e); and

(2) in subsection (h)—

(A) by striking out "AUTHORITIES" in the subsection heading and inserting in lieu thereof "AUTHORITY";

(B) by striking out "(1)"; and

(C) by striking out paragraph (2).

(e) REPORT.—Subsection (f) of such section is amended—

(1) by striking out "the Secretary carries out activities" and inserting in lieu thereof "activities are carried out"; and

(2) by striking out "the Secretary shall" and inserting in lieu thereof "the Secretaries concerned shall jointly".

(f) EXTENSION OF AUTHORITY.—Subsection (h) of such section is further amended by striking out "September 30, 1999" and inserting in lieu thereof "September 30, 2000".

(g) CONFORMING AMENDMENT.—Subsection (g) of such section is further amended by striking out "NAVY" in the subsection heading.

## Subtitle B—Other Military Construction Program and Military Family Housing Changes

### SEC. 2811. SPECIAL THRESHOLD FOR UNSPECIFIED MINOR CONSTRUCTION PROJECTS TO CORRECT LIFE, HEALTH, OR SAFETY DEFICIENCIES.

(a) SPECIAL THRESHOLD.—Section 2805 of title 10, United States Code, is amended—

(1) in subsection (a)(1), by adding at the end the following new sentence: "However, if the military construction project is intended solely to correct a deficiency that is life-threatening, health-threatening, or safety-threatening, a minor military construction project may have an approved cost equal to or less than $3,000,000."; and

(2) in subsection (c)(1), by striking out "not more than $300,000." and inserting in lieu thereof "not more than—

"(A) $1,000,000, in the case of an unspecified military construction project intended solely to correct a deficiency that is life-threatening, health-threatening, or safety-threatening; or

"(B) $300,000, in the case of any other unspecified military construction project.".

(b) TECHNICAL AMENDMENT.—Section 2861(b)(6) of such title is amended by striking out "section 2805(a)(2)" and inserting in lieu thereof "section 2805(a)(1)".

### SEC. 2812. CLARIFICATION OF SCOPE OF UNSPECIFIED MINOR CONSTRUCTION AUTHORITY.

Section 2805(a)(1) of title 10, United States Code, as amended by section 2811 of this Act, is further amended by striking out

"(1) that is for a single undertaking at a military installation, and (2)" in the second sentence.

### SEC. 2813. TEMPORARY AUTHORITY TO WAIVE NET FLOOR AREA LIMITATION FOR FAMILY HOUSING ACQUIRED IN LIEU OF CONSTRUCTION.

Section 2824(c) of title 10, United States Code, is amended by adding at the end the following new sentence: "The Secretary concerned may waive the limitation set forth in the preceding sentence to family housing units acquired under this section during the five-year period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 1996.".

### SEC. 2814. REESTABLISHMENT OF AUTHORITY TO WAIVE NET FLOOR AREA LIMITATION ON ACQUISITION BY PURCHASE OF CERTAIN MILITARY FAMILY HOUSING.

Section 2826(e) of title 10, United States Code, is amended by striking out the second sentence.

### SEC. 2815. TEMPORARY AUTHORITY TO WAIVE LIMITATIONS ON SPACE BY PAY GRADE FOR MILITARY FAMILY HOUSING UNITS.

Section 2826 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(i)(1) The Secretary concerned may waive the provisions of subsection (a) with respect to military family housing units constructed, acquired, or improved during the five-year period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 1996.

"(2) The total number of military family housing units constructed, acquired, or improved during any fiscal year in the period referred to in paragraph (1) shall be the total number of such units authorized by law for that fiscal year.".

### SEC. 2816. RENTAL OF FAMILY HOUSING IN FOREIGN COUNTRIES.

Section 2828(e) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking out "300 units" in the first sentence and inserting in lieu thereof "450 units"; and

(B) by striking out "220 such units" in the second sentence and inserting in lieu thereof "350 such units"; and

(2) in paragraph (2), by striking out "300 units" and inserting in lieu thereof "450 units".

### SEC. 2817. CLARIFICATION OF SCOPE OF REPORT REQUIREMENT ON COST INCREASES UNDER CONTRACTS FOR MILITARY FAMILY HOUSING CONSTRUCTION.

Subsection (d) of section 2853 of title 10, United States Code, is amended to read as follows:

"(d) The limitation on cost increases in subsection (a) does not apply to the settlement of a contractor claim under a contract.".

### SEC. 2818. AUTHORITY TO CONVEY DAMAGED OR DETERIORATED MILITARY FAMILY HOUSING.

(a) AUTHORITY.—(1) Subchapter III of chapter 169 of title 10, United States Code, is amended by inserting after section 2854 the following new section:

### “§ 2854a. Conveyance of damaged or deteriorated military family housing; use of proceeds

“(a) AUTHORITY TO CONVEY.—(1) The Secretary concerned may convey any family housing facility that, due to damage or deterioration, is in a condition that is uneconomical to repair. Any conveyance of a family housing facility under this section may include a conveyance of the real property associated with the facility conveyed.

“(2) The authority of this section does not apply to family housing facilities located at military installations approved for closure under a base closure law or family housing facilities located at an installation outside the United States at which the Secretary of Defense terminates operations.

“(3) The aggregate total value of the family housing facilities conveyed by the Department of Defense under the authority in this subsection in any fiscal year may not exceed $5,000,000.

“(4) For purposes of this subsection, a family housing facility is in a condition that is uneconomical to repair if the cost of the necessary repairs for the facility would exceed the amount equal to 70 percent of the cost of constructing a family housing facility to replace such facility.

“(b) CONSIDERATION.—(1) As consideration for the conveyance of a family housing facility under subsection (a), the person to whom the facility is conveyed shall pay the United States an amount equal to the fair market value of the facility conveyed, including any real property conveyed along with the facility.

“(2) The Secretary concerned shall determine the fair market value of any family housing facility and associated real property that is conveyed under subsection (a). Such determination shall be final.

“(c) NOTICE AND WAIT REQUIREMENTS.—The Secretary concerned may not enter into an agreement to convey a family housing facility under this section until—

“(1) the Secretary submits to the appropriate committees of Congress, in writing, a justification for the conveyance under the agreement, including—

“(A) an estimate of the consideration to be provided the United States under the agreement;

“(B) an estimate of the cost of repairing the family housing facility to be conveyed; and

“(C) an estimate of the cost of replacing the family housing facility to be conveyed; and

“(2) a period of 21 calendar days has elapsed after the date on which the justification is received by the committees.

“(d) INAPPLICABILITY OF CERTAIN PROPERTY DISPOSAL LAWS.—The following provisions of law do not apply to the conveyance of a family housing facility under this section:

“(1) The Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.).

“(2) Title V of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411 et seq.).

“(e) USE OF PROCEEDS.—(1) The proceeds of any conveyance of a family housing facility under this section shall be credited to the appropriate fund established under section 2883 of this title and shall be available—

“(A) to construct family housing units to replace the family housing facility conveyed under this section, but only to the extent that the number of units constructed with such proceeds does not exceed the number of units of military family housing of the facility conveyed;

"(B) to repair or restore existing military family housing; and

"(C) to reimburse the Secretary concerned for the costs incurred by the Secretary in conveying the family housing facility.

"(2) Notwithstanding section 2883(d) of this title, proceeds derived from a conveyance of a family housing facility under this section shall be available under paragraph (1) without any further appropriation.

"(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of any family housing facility conveyed under this section, including any real property associated with such facility, shall be determined by such means as the Secretary concerned considers satisfactory, including by survey in the case of real property.

"(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary concerned may require such additional terms and conditions in connection with the conveyance of family housing facilities under this section as the Secretary considers appropriate to protect the interests of the United States.".

(2) The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 2854 the following new item:

"2854a. Conveyance of damaged or deteriorated military family housing; use of proceeds.".

(b) CONFORMING AMENDMENT.—Section 204(h) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(h)) is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following new paragraph (4):

"(4) This subsection does not apply to damaged or deteriorated military family housing facilities conveyed under section 2854a of title 10, United States Code.".

### SEC. 2819. ENERGY AND WATER CONSERVATION SAVINGS FOR THE DEPARTMENT OF DEFENSE.

(a) INCLUSION OF WATER EFFICIENT MAINTENANCE IN ENERGY PERFORMANCE PLAN.—Paragraph (3) of section 2865(a) of title 10, United States Code, is amended by striking out "energy efficient maintenance" and inserting in lieu thereof "energy efficient maintenance or water efficient maintenance".

(b) SCOPE OF TERM.—Paragraph (4) of such section is amended—

(1) in the matter preceding subparagraph (A), by striking out "'energy efficient maintenance'" and inserting in lieu thereof "'energy efficient maintenance or water efficient maintenance'";

(2) in subparagraph (A), by striking out "systems or industrial processes," in the matter preceding clause (i) and inserting in lieu thereof "systems, industrial processes, or water efficiency applications,"; and

(3) in subparagraph (B), by inserting "or water cost savings" before the period at the end.

### SEC. 2820. EXTENSION OF AUTHORITY TO ENTER INTO LEASES OF LAND FOR SPECIAL OPERATIONS ACTIVITIES.

(a) EXTENSION OF AUTHORITY.—Subsection (d) of section 2680 of title 10, United States Code, is amended in the first sentence by striking out "September 30, 1995" and inserting in lieu thereof "September 30, 2000".

(b) REPORTING REQUIREMENT.—Such section is further amended by adding at the end the following new subsection:

"(e) REPORTS.—Not later than March 1 of each year, the Secretary of Defense shall submit to the Committee on the Armed Services of the Senate and the Committee on National Security of the House of Representatives a report that—

"(1) identifies each leasehold interest acquired during the previous fiscal year under subsection (a); and

"(2) contains a discussion of each project for the construction or modification of facilities carried out pursuant to subsection (c) during such fiscal year.".

(c) CONFORMING REPEAL.—Section 2863 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 10 U.S.C. 2680 note) is amended by striking out subsection (b).

### SEC. 2821. DISPOSITION OF AMOUNTS RECOVERED AS A RESULT OF DAMAGE TO REAL PROPERTY.

(a) IN GENERAL.—Chapter 165 of title 10, United States Code, is amended by inserting after section 2781 the following new section:

### "§ 2782. Damage to real property: disposition of amounts recovered

"Except as provided in section 2775 of this title, amounts recovered for damage caused to real property under the jurisdiction of the Secretary of a military department or, with respect to the Defense Agencies, under the jurisdiction of the Secretary of Defense shall be credited to the account available for the repair or replacement of the real property at the time of recovery. In such amounts as are provided in advance in appropriation Acts, amounts so credited shall be available for use for the same purposes and under the same circumstances as other funds in the account.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2781 the following new item:

"2782. Damage to real property: disposition of amounts recovered.".

Military Housing Assistance Act of 1995.

### SEC. 2822. PILOT PROGRAM TO PROVIDE INTEREST RATE BUY DOWN AUTHORITY ON LOANS FOR HOUSING WITHIN HOUSING SHORTAGE AREAS AT MILITARY INSTALLATIONS.

38 USC 101 note.

(a) SHORT TITLE.—This section may be cited as the "Military Housing Assistance Act of 1995".

(b) MORTGAGE ASSISTANCE PAYMENT AUTHORITY OF THE SECRETARY OF VETERANS AFFAIRS.—(1) Chapter 37 of title 38, United States Code, is amended by inserting after section 3707 the following:

### "§ 3708. Authority to buy down interest rates: pilot program

"(a) In order to enable the purchase of housing in areas where the supply of suitable military housing is inadequate, the Secretary may conduct a pilot program under which the Secretary may make periodic or lump sum assistance payments on behalf of an eligible veteran for the purpose of buying down the interest rate on a loan to that veteran that is guaranteed under this chapter for a purpose described in paragraph (1), (6), or (10) of section 3710(a) of this title.

"(b) An individual is an eligible veteran for the purposes of this section if—

"(1) the individual is a veteran, as defined in section 3701(b)(4) of this title;

"(2) the individual submits an application for a loan guaranteed under this chapter within one year of an assignment of the individual to duty at a military installation in the United States designated by the Secretary of Defense as a housing shortage area;

"(3) at the time the loan referred to in subsection (a) is made, the individual is an enlisted member, warrant officer, or an officer (other than a warrant officer) at a pay grade of O–3 or below;

"(4) the individual has not previously used any of the individual's entitlement to housing loan benefits under this chapter; and

"(5) the individual receives comprehensive prepurchase counseling from the Secretary (or the designee of the Secretary) before making application for a loan guaranteed under this chapter.

"(c) Loans with respect to which the Secretary may exercise the buy down authority under subsection (a) shall—

"(1) provide for a buy down period of not more than three years in duration;

"(2) specify the maximum and likely amounts of increases in mortgage payments that the loans would require; and

"(3) be subject to such other terms and conditions as the Secretary may prescribe by regulation.

"(d) The Secretary shall promulgate underwriting standards for loans for which the interest rate assistance payments may be made under subsection (a). Such standards shall be based on the interest rate for the second year of the loan.

"(e) The Secretary or lender shall provide comprehensive prepurchase counseling to eligible veterans explaining the features of interest rate buy downs under subsection (a), including a hypothetical payment schedule that displays the increases in monthly payments to the mortgagor over the first five years of the mortgage term. For the purposes of this subsection, the Secretary may assign personnel to military installations referred to in subsection (b)(2).

"(f) There is authorized to be appropriated $3,000,000 annually to carry out this section.

"(g) The Secretary may not guarantee a loan under this chapter after September 30, 1998, on which the Secretary is obligated to make payments under this section.".

(2) The table of sections at the beginning of chapter 37 of title 38, United States Code, is amended by inserting after the item relating to section 3707 to following new item:

"3708. Authority to buy down interest rates: pilot program.".

(c) AUTHORITY OF SECRETARY OF DEFENSE.— 38 USC 3708 note.

(1) REIMBURSEMENT FOR BUY DOWN COSTS.—The Secretary of Defense shall reimburse the Secretary of Veterans Affairs for amounts paid by the Secretary of Veterans Affairs to mort-

gagees under section 3708 of title 38, United States Code, as added by subsection (b).

(2) DESIGNATION OF HOUSING SHORTAGE AREAS.—For purposes of section 3708 of title 38, United States Code, the Secretary of Defense may designate as a housing shortage area a military installation in the United States at which the Secretary determines there is a shortage of suitable housing to meet the military family needs of members of the Armed Forces and the dependents of such members.

(3) REPORT.—Not later than March 30, 1998, the Secretary shall submit to Congress a report regarding the effectiveness of the authority provided in section 3708 of title 38, United States Code, in ensuring that members of the Armed Forces and their dependents have access to suitable housing. The report shall include the recommendations of the Secretary regarding whether the authority provided in this subsection should be extended beyond the date specified in paragraph (5).

(4) EARMARK.—Of the amount provided in section 2405(a)(11)(B), $10,000,000 for fiscal year 1996 shall be available to carry out this subsection.

(5) SUNSET.—This subsection shall not apply with respect to housing loans guaranteed after September 30, 1998, for which assistance payments are paid under section 3708 of title 38, United States Code.

## Subtitle C—Defense Base Closure and Realignment

### SEC. 2831. DEPOSIT OF PROCEEDS FROM LEASES OF PROPERTY LOCATED AT INSTALLATIONS BEING CLOSED OR REALIGNED.

(a) EXCEPTION TO EXISTING REQUIREMENTS.—Section 2667(d) of title 10, United States Code, is amended—

(1) in paragraph (1)(A)(ii), by inserting "or (5)" after "paragraph (4)"; and

(2) by adding at the end the following new paragraph:

"(5) Money rentals received by the United States from a lease under subsection (f) shall be deposited into the account established under section 2906(a) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).".

(b) CORRESPONDING AMENDMENTS TO BASE CLOSURE LAWS.—(1) Section 207(a)(7) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note) is amended by striking out "transfer or disposal" and inserting in lieu thereof "lease, transfer, or disposal".

(2) Section 2906(a)(2) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2867 note) is amended— 10 USC 2687 note.

(A) in subparagraph (C), by striking out "transfer or disposal" and inserting in lieu thereof "lease, transfer, or disposal"; and

(B) in subparagraph (D), by striking out "transfer or disposal" and inserting in lieu thereof "lease, transfer, or disposal".

### SEC. 2832. IN-KIND CONSIDERATION FOR LEASES AT INSTALLATIONS TO BE CLOSED OR REALIGNED.

Section 2667(f) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(4) The Secretary concerned may accept under subsection (b)(5) services of a lessee for an entire installation to be closed or realigned under a base closure law, or for any part of such installation, without regard to the requirement in subsection (b)(5) that a substantial part of the installation be leased.".

### SEC. 2833. INTERIM LEASES OF PROPERTY APPROVED FOR CLOSURE OR REALIGNMENT.

Section 2667(f) of title 10, United States Code, is amended by adding after paragraph (4), as added by section 2832 of this Act, the following new paragraph:

"(5)(A) Notwithstanding the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the scope of any environmental impact analysis necessary to support an interim lease of property under this subsection shall be limited to the environmental consequences of activities authorized under the proposed lease and the cumulative impacts of other past, present, and reasonably foreseeable future actions during the period of the proposed lease.

"(B) Interim leases entered into under this subsection shall be deemed not to prejudice the final disposal decision with respect to the property, even if final disposal of the property is delayed until completion of the term of the interim lease. An interim lease under this subsection shall not be entered into without prior consultation with the redevelopment authority concerned.

"(C) Subparagraphs (A) and (B) shall not apply to an interim lease under this subsection if authorized activities under the lease would—

"(i) significantly affect the quality of the human environment; or

"(ii) irreversibly alter the environment in a way that would preclude any reasonable disposal alternative of the property concerned.".

### SEC. 2834. AUTHORITY TO LEASE PROPERTY REQUIRING ENVIRONMENTAL REMEDIATION AT INSTALLATIONS APPROVED FOR CLOSURE OR REALIGNMENT.

Section 120(h)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)(3)) is amended in the matter following subparagraph (C)—

(1) by striking out the first sentence; and

(2) by adding at the end, flush to the paragraph margin, the following:

"The requirements of subparagraph (B) shall not apply in any case in which the person or entity to whom the real property is transferred is a potentially responsible party with respect to such property. The requirements of subparagraph (B) shall not apply in any case in which the transfer of the property occurs or has occurred by means of a lease, without regard to whether the lessee has agreed to purchase the property or whether the duration of the lease is longer than 55 years. In the case of a lease entered into after September 30, 1995, with respect to real property located at an installation approved for closure or realignment under a base closure law, the agency leasing the property, in consultation with the Administrator, shall determine before leasing the property that the property is suitable for lease, that the uses contemplated for the lease are consistent with protection of human health and the environment, and that there are adequate assurances that the United States will take all remedial action referred to in subparagraph (B) that has not been taken on the date of the lease.".

### SEC. 2835. FINAL FUNDING FOR DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION.

Section 2902(k) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended by adding at the end the following new paragraph:

"(3)(A) The Secretary may transfer not more than $300,000 from unobligated funds in the account referred to in subparagraph (B) for the purpose of assisting the Commission in carrying out its duties under this part during October, November, and December 1995. Funds transferred under the preceding sentence shall remain available until December 31, 1995.

"(B) The account referred to in subparagraph (A) is the Department of Defense Base Closure Account established under section 207(a) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note).".

### SEC. 2836. EXERCISE OF AUTHORITY DELEGATED BY THE ADMINISTRATOR OF GENERAL SERVICES.

Section 2905(b)(2) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended—

(1) in subparagraph (A)—

(A) by striking out "Subject to subparagraph (C)" in the matter preceding clause (i) and inserting in lieu thereof "Subject to subparagraph (B)"; and

(B) by striking out "in effect on the date of the enactment of this Act" each place it appears in clauses (i) and (ii);

(2) by striking out subparagraphs (B) and (C) and inserting in lieu thereof the following new subparagraph (B):

"(B) The Secretary may, with the concurrence of the Administrator of General Services—

"(i) prescribe general policies and methods for utilizing excess property and disposing of surplus property pursuant to the authority delegated under paragraph (1); and

"(ii) issue regulations relating to such policies and methods, which shall supersede the regulations referred to in subparagraph (A) with respect to that authority."; and

(3) by redesignating subparagraphs (D) and (E) as subparagraphs (C) and (D), respectively.

### SEC. 2837. LEASE BACK OF PROPERTY DISPOSED FROM INSTALLATIONS APPROVED FOR CLOSURE OR REALIGNMENT.

(a) AUTHORITY.—Section 2905(b)(4) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended—

(1) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (D), (E), and (F), respectively; and

(2) by inserting after subparagraph (B) the following new subparagraph (C):

"(C)(i) The Secretary may transfer real property at an installation approved for closure or realignment under this part (including property at an installation approved for realignment which will be retained by the Department of Defense or another Federal agency after realignment) to the redevelopment authority for the installation if the redevelopment authority agrees to lease, directly upon transfer, one or more portions of the property transferred under this subparagraph to the Secretary or to the head of another department or agency of the Federal Government. Subparagraph (B) shall apply to a transfer under this subparagraph.

"(ii) A lease under clause (i) shall be for a term of not to exceed 50 years, but may provide for options for renewal or extension of the term by the department or agency concerned.

"(iii) A lease under clause (i) may not require rental payments by the United States.

"(iv) A lease under clause (i) shall include a provision specifying that if the department or agency concerned ceases requiring the use of the leased property before the expiration of the term of the lease, the remainder of the lease term may be satisfied by the same or another department or agency of the Federal Government using the property for a use similar to the use under the lease. Exercise of the authority provided by this clause shall be made in consultation with the redevelopment authority concerned.".

(b) USE OF FUNDS TO IMPROVE LEASED PROPERTY.—Notwithstanding any other provision of law, a department or agency of the Federal Government that enters into a lease of property under section 2905(b)(4)(C) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), as amended by subsection (a), may improve the leased property using funds appropriated or otherwise available to the department or agency for such purpose.

10 USC 2687 note.

### SEC. 2838. IMPROVEMENT OF BASE CLOSURE AND REALIGNMENT PROCESS REGARDING DISPOSAL OF PROPERTY.

(a) APPLICABILITY.—Subparagraph (A) of section 2905(b)(7) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended to read as follows:

"(A) The disposal of buildings and property located at installations approved for closure or realignment under this part after October 25, 1994, shall be carried out in accordance with this paragraph rather than paragraph (6).".

(b) AGREEMENTS UNDER REDEVELOPMENT PLANS.—Subparagraph (F)(ii)(I) of such section is amended in the second sentence by striking out "the approval of the redevelopment plan by the Secretary of Housing and Urban Development under subparagraph (H) or (J)" and inserting in lieu thereof "the decision regarding the disposal of the buildings and property covered by the agreements by the Secretary of Defense under subparagraph (K) or (L)".

(c) REVISION OF REDEVELOPMENT PLANS.—Subparagraph (I) of such section is amended—

(1) in clause (i)(II), by inserting "the Secretary of Defense and" before "the Secretary of Housing and Urban Development"; and

(2) in clause (ii), by striking out "the Secretary of Housing and Urban Development" and inserting in lieu thereof "such Secretaries".

(d) DISPOSAL OF BUILDINGS AND PROPERTY.—(1) Subparagraph (K) of such section is amended to read as follows:

"(K)(i) Upon receipt of a notice under subparagraph (H)(iv) or (J)(ii) of the determination of the Secretary of Housing and Urban Development that a redevelopment plan for an installation meets the requirements set forth in subparagraph (H)(i), the Secretary of Defense shall dispose of the buildings and property at the installation.

"(ii) For purposes of carrying out an environmental assessment of the closure or realignment of an installation, the Secretary of Defense shall treat the redevelopment plan for the installation (including the aspects of the plan providing for disposal to State or local governments, representatives of the homeless, and other interested parties) as part of the proposed Federal action for the installation.

"(iii) The Secretary of Defense shall dispose of buildings and property under clause (i) in accordance with the record of decision or other decision document prepared by the Secretary in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.). In preparing the record of decision or other decision document, the Secretary shall give substantial deference to the redevelopment plan concerned.

"(iv) The disposal under clause (i) of buildings and property to assist the homeless shall be without consideration.

"(v) In the case of a request for a conveyance under clause (i) of buildings and property for public benefit under section 203(k) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(k)) or sections 47151 through 47153 of title 49, United States Code, the sponsoring Federal agency shall use the eligibility criteria set forth in such section or such subchapter (as the case may be) to determine the eligibility of the applicant and use proposed in the request for the public benefit conveyance. The determination of such eligibility should be made before submission of the redevelopment plan concerned under subparagraph (G).".

(2) Subparagraph (L) of such section is amended by striking out clauses (iii) and (iv) and inserting in lieu thereof the following new clauses (iii) and (iv):

Notification.

"(iii) Not later than 90 days after the date of the receipt of a revised plan for an installation under subparagraph (J), the Secretary of Housing and Urban Development shall—

"(I) notify the Secretary of Defense and the redevelopment authority concerned of the buildings and property at an installation under clause (i)(IV) that the Secretary of Housing and Urban Development determines are suitable for use to assist the homeless; and

"(II) notify the Secretary of Defense of the extent to which the revised plan meets the criteria set forth in subparagraph (H)(i).

"(iv)(I) Upon notice from the Secretary of Housing and Urban Development with respect to an installation under clause (iii), the Secretary of Defense shall dispose of buildings and property at the installation in consultation with the Secretary of Housing and Urban Development and the redevelopment authority concerned.

"(II) For purposes of carrying out an environmental assessment of the closure or realignment of an installation, the Secretary of Defense shall treat the redevelopment plan submitted by the redevelopment authority for the installation (including the aspects of the plan providing for disposal to State or local governments, representatives of the homeless, and other interested parties) as part of the proposed Federal action for the installation. The Secretary of Defense shall incorporate the notification of the Secretary of Housing and Urban Development under clause (iii)(I) as part of the proposed Federal action for the installation only to the extent, if any, that the Secretary of Defense considers such incorporation to be appropriate and consistent with the best and highest use of the installation as a whole, taking into consideration the redevelopment plan submitted by the redevelopment authority.

"(III) The Secretary of Defense shall dispose of buildings and property under subclause (I) in accordance with the record of decision or other decision document prepared by the Secretary in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.). In preparing the record of decision or other decision document, the Secretary shall give deference to the redevelopment plan submitted by the redevelopment authority for the installation.

"(IV) The disposal under subclause (I) of buildings and property to assist the homeless shall be without consideration.

"(V) In the case of a request for a conveyance under subclause (I) of buildings and property for public benefit under section 203(k) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(k)) or sections 47151 through 47153 of title 49, United States Code, the sponsoring Federal agency shall use the eligibility criteria set forth in such section or such subchapter (as the case may be) to determine the eligibility of the applicant and use proposed in the request for the public benefit conveyance. The determination of such eligibility should be made before submission of the redevelopment plan concerned under subparagraph (G).".

(e) CONFORMING AMENDMENT.—Subparagraph (M)(i) of such section is amended by inserting "or (L)" after "subparagraph (K)".

(f) CLARIFICATION OF PARTICIPANTS IN PROCESS.—Such section is further amended by adding at the end the following new subparagraph:

"(P) For purposes of this paragraph, the term 'other interested parties', in the case of an installation, includes any parties eligible for the conveyance of property of the installation under section 203(k) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(k)) or sections 47151 through 47153 of title 49, United States Code, whether or not the parties assist the homeless.".

### SEC. 2839. AGREEMENTS FOR CERTAIN SERVICES AT INSTALLATIONS BEING CLOSED.

(a) 1988 LAW.—Section 204(b)(8) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note) is amended by striking out subparagraph (A) and inserting in lieu thereof the following new subparagraph:

"(A) Subject to subparagraph (C), the Secretary may enter into agreements (including contracts, cooperative agreements, or other arrangements for reimbursement) with local governments for the provision of police or security services, fire protection services, airfield operation services, or other community services by such governments at military installations to be closed under this title if the Secretary determines that the provision of such services under such agreements is in the best interests of the Department of Defense.”.

(b) 1990 LAW.—Section 2905(b)(8) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2867 note) is amended by striking out subparagraph (A) and inserting in lieu thereof the following new subparagraph:

“(A) Subject to subparagraph (C), the Secretary may enter into agreements (including contracts, cooperative agreements, or other arrangements for reimbursement) with local governments for the provision of police or security services, fire protection services, airfield operation services, or other community services by such governments at military installations to be closed under this part if the Secretary determines that the provision of such services under such agreements is in the best interests of the Department of Defense.”.

### SEC. 2840. AUTHORITY TO TRANSFER PROPERTY AT MILITARY INSTALLATIONS TO BE CLOSED TO PERSONS WHO CONSTRUCT OR PROVIDE MILITARY FAMILY HOUSING.

(a) 1988 LAW.—Section 204 of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note) is amended by adding at the end the following new subsection:

“(e) TRANSFER AUTHORITY IN CONNECTION WITH CONSTRUCTION OR PROVISION OF MILITARY FAMILY HOUSING.—(1) Subject to paragraph (2), the Secretary may enter into an agreement to transfer by deed real property or facilities located at or near an installation closed or to be closed under this title with any person who agrees, in exchange for the real property or facilities, to transfer to the Secretary housing units that are constructed or provided by the person and located at or near a military installation at which there is a shortage of suitable housing to meet the requirements of members of the Armed Forces and their dependents. The Secretary may not select real property for transfer under this paragraph if the property is identified in the redevelopment plan for the installation as items essential to the reuse or redevelopment of the installation.

“(2) A transfer of real property or facilities may be made under paragraph (1) only if—

“(A) the fair market value of the housing units to be received by the Secretary in exchange for the property or facilities to be transferred is equal to or greater than the fair market value of such property or facilities, as determined by the Secretary; or

“(B) in the event the fair market value of the housing units is less than the fair market value of property or facilities to be transferred, the recipient of the property or facilities agrees to pay to the Secretary the amount equal to the excess of the fair market value of the property or facilities over the fair market value of the housing units.

“(3) Notwithstanding section 207(a)(7), the Secretary may deposit funds received under paragraph (2)(B) in the Department of Defense Family Housing Improvement Fund established under section 2873(a) of title 10, United States Code.

"(4) The Secretary shall submit to the appropriate committees of Congress a report describing each agreement proposed to be entered into under paragraph (1), including the consideration to be received by the United States under the agreement. The Secretary may not enter into the agreement until the end of the 21-day period beginning on the date the appropriate committees of Congress receive the report regarding the agreement.

Reports.

"(5) The Secretary may require any additional terms and conditions in connection with an agreement authorized by this subsection as the Secretary considers appropriate to protect the interests of the United States.".

(b) 1990 LAW.—Section 2905 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended by adding at the end the following new subsection:

"(f) TRANSFER AUTHORITY IN CONNECTION WITH CONSTRUCTION OR PROVISION OF MILITARY FAMILY HOUSING.—(1) Subject to paragraph (2), the Secretary may enter into an agreement to transfer by deed real property or facilities located at or near an installation closed or to be closed under this part with any person who agrees, in exchange for the real property or facilities, to transfer to the Secretary housing units that are constructed or provided by the person and located at or near a military installation at which there is a shortage of suitable housing to meet the requirements of members of the Armed Forces and their dependents. The Secretary may not select real property for transfer under this paragraph if the property is identified in the redevelopment plan for the installation as property essential to the reuse or redevelopment of the installation.

"(2) A transfer of real property or facilities may be made under paragraph (1) only if—

"(A) the fair market value of the housing units to be received by the Secretary in exchange for the property or facilities to be transferred is equal to or greater than the fair market value of such property or facilities, as determined by the Secretary; or

"(B) in the event the fair market value of the housing units is less than the fair market value of property or facilities to be transferred, the recipient of the property or facilities agrees to pay to the Secretary the amount equal to the excess of the fair market value of the property or facilities over the fair market value of the housing units.

"(3) Notwithstanding paragraph (2) of section 2906(a), the Secretary may deposit funds received under paragraph (2)(B) in the Department of Defense Family Housing Improvement Fund established under section 2873(a) of title 10, United States Code.

"(4) The Secretary shall submit to the congressional defense committees a report describing each agreement proposed to be entered into under paragraph (1), including the consideration to be received by the United States under the agreement. The Secretary may not enter into the agreement until the end of the 30-day period beginning on the date the congressional defense committees receive the report regarding the agreement.

Reports.

"(5) The Secretary may require any additional terms and conditions in connection with an agreement authorized by this subsection as the Secretary considers appropriate to protect the interests of the United States.".

10 USC 2687 note.

(c) REGULATIONS.—Not later than nine months after the date of the enactment of this Act, the Secretary of Defense shall prescribe any regulations necessary to carry out subsection (e) of section 204 of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note), as added by subsection (a), and subsection (f) of section 2905 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), as added by subsection (b).

### SEC. 2841. USE OF SINGLE BASE CLOSURE AUTHORITIES FOR DISPOSAL OF PROPERTY AND FACILITIES AT FORT HOLABIRD, MARYLAND.

(a) CONSOLIDATION OF BASE CLOSURE AUTHORITIES.—In the case of the property and facilities at Fort Holabird, Maryland, described in subsection (b), the Secretary of Defense shall dispose of such property and facilities in accordance with section 2905(b)(7) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), as amended by section 2838 of this Act.

(b) COVERED PROPERTY AND FACILITIES.—Subsection (a) applies to the following property and facilities at Fort Holabird, Maryland:

(1) Property and facilities that were approved for closure or realignment under title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note), but have not been disposed of as of the date of the enactment of this Act, including buildings 305 and 306 and the parking lots and other property associated with such buildings.

(2) Property and facilities that were approved in 1995 for closure or realignment under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

(c) USE OF SURVEYS AND OTHER EVALUATIONS OF PROPERTY.—In carrying out the disposal of the property and facilities referred to in subsection (b)(1), the Secretary shall utilize any surveys and other evaluations of such property and facilities that were prepared by the Corps of Engineers before the date of the enactment of this Act as part of the process for the disposal of such property and facilities.

# Subtitle D—Land Conveyances Generally

## PART I—ARMY CONVEYANCES

### SEC. 2851. TRANSFER OF JURISDICTION, FORT SAM HOUSTON, TEXAS.

(a) TRANSFER OF LAND FOR NATIONAL CEMETERY.—The Secretary of the Army may transfer, without reimbursement, to the administrative jurisdiction of the Secretary of Veterans Affairs a parcel of real property (including any improvements thereon) consisting of approximately 53 acres and comprising a portion of Fort Sam Houston, Texas.

(b) USE OF LAND.—The Secretary of Veterans Affairs shall use the real property transferred under subsection (a) as a national cemetery under chapter 24 of title 38, United States Code.

(c) LEGAL DESCRIPTION.—The exact acreage and legal description of the real property to be transferred under this section shall be determined by a survey satisfactory to the Secretary of the Army. The cost of the survey shall be borne by the Secretary of Veterans Affairs.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Army may require such additional terms and conditions in connection with the transfer under this section as the Secretary of the Army considers appropriate to protect the interests of the United States.

### SEC. 2852. TRANSFER OF JURISDICTION, FORT BLISS, TEXAS.

(a) TRANSFER OF LAND FOR NATIONAL CEMETERY.—The Secretary of the Army may transfer, without reimbursement, to the administrative jurisdiction of the Secretary of Veterans Affairs a parcel of real property (including any improvements thereon) consisting of approximately 22 acres and comprising a portion of Fort Bliss, Texas.

(b) USE OF LAND.—The Secretary of Veterans Affairs shall use the real property transferred under subsection (a) as an addition to the Fort Bliss National Cemetery and administer such real property pursuant to chapter 24 of title 38, United States Code.

(c) LEGAL DESCRIPTION.—The exact acreage and legal description of the real property to be transferred under this section shall be determined by a survey satisfactory to the Secretary of the Army. The cost of the survey shall be borne by the Secretary of Veterans Affairs.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Army may require such additional terms and conditions in connection with the transfer under this section as the Secretary of the Army considers appropriate to protect the interests of the United States.

### SEC. 2853. TRANSFER OF JURISDICTION AND LAND CONVEYANCE, FORT DEVENS MILITARY RESERVATION, MASSACHUSETTS.

16 USC 668dd note.

(a) TRANSFER OF LAND FOR WILDLIFE REFUGE.—Subject to subsections (b) and (c), the Secretary of the Army shall transfer, without reimbursement, to the administrative jurisdiction of the Secretary of the Interior that portion of Fort Devens Military Reservation, Massachusetts, that is situated south of Massachusetts State Route 2, for inclusion in the Oxbow National Wildlife Refuge.

(b) LAND CONVEYANCE.—Subject to subsection (c), the Secretary of the Army shall convey to the Town of Lancaster, Massachusetts (in this section referred to as the “Town”), all right, title, and interest of the United States in and to a parcel of real property consisting of approximately 100 acres of the parcel available for transfer under subsection (a) and located adjacent to Massachusetts State Highway 70.

(c) REQUIREMENTS RELATING TO TRANSFER AND CONVEYANCE.—(1) The transfer under subsection (a) and the conveyance under subsection (b) may not be made unless the property to be transferred and conveyed is determined to be excess to the needs of the Department of Defense.

(2) The transfer and conveyance shall be made as soon as practicable after the date on which the property is determined to be excess to the needs of the Department of Defense.

(d) LEGAL DESCRIPTION.—(1) The exact acreage and legal description of the real property to be transferred under subsection (a) shall be determined by a survey mutually satisfactory to the Secretary of the Army and the Secretary of the Interior. The cost of the survey shall be borne by the Secretary of the Interior.

(2) The exact acreage and legal description of the real property to be conveyed under subsection (b) shall be determined by a survey mutually satisfactory to the Secretary of the Army, the Secretary of the Interior, and the Board of Selectmen of the Town. The cost of the survey shall be borne by the Town.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Army may require such additional terms and conditions in connection with the transfer under subsection (a) and the conveyance under subsection (b) as the Secretary of the Army considers appropriate to protect the interests of the United States.

### SEC. 2854. MODIFICATION OF LAND CONVEYANCE, FORT BELVOIR, VIRGINIA.

(a) DESIGNATION OF RECIPIENT.—Subsection (a) of section 2821 of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101–189; 103 Stat. 1658) is amended by striking out “any grantee selected in accordance with subsection (e)” and inserting in lieu thereof “the County of Fairfax, Virginia (in this section referred to as the ‘grantee’),”.

(b) CONSIDERATION.—Subsection (b)(1) of such section is amended by striking out subparagraph (B) and inserting in lieu thereof the following new subparagraph:

“(B) grant title, free of liens and other encumbrances, to the Department to such facilities and, if not already owned by the Department, to the underlying land; and”.

(c) CONTENT OF AGREEMENT.—Subsection (c) of such section is amended to read as follows:

“(c) CONTENT OF AGREEMENT.—An agreement entered into under this section shall include the following:

“(1) A requirement that the grantee construct facilities and make infrastructure improvements for the Department of the Army that the Secretary determines are necessary for the Department at Fort Belvoir and at other sites at which activities will be relocated as a result of the conveyance made under this section.

“(2) A requirement that the construction of facilities and infrastructure improvements referred to in paragraph (1) be carried out in accordance with plans and specifications approved by the Secretary.

“(3) A requirement that the Secretary retain a lien or other security interest against the property conveyed to the grantee in the amount of the fair market value of the property, as determined under subsection (b)(2). The agreement will specify the terms for releasing the lien or other security interest, in whole or in part. In the event of default by the County on its obligations under the terms of the agreement, the Secretary shall enforce the lien or security interest. The proceeds obtained through enforcing the lien or security interest may be used by the Secretary to construct facilities and make infrastructure improvements in lieu of those provided for in the agreement.”.

(d) SURVEYS.—Subsection (g) of such section is amended by striking out the last sentence and inserting in lieu thereof the following: “The grantee shall be responsible for completing any such survey without cost to the United States.”.

(e) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in subsection (a), by striking out “Subject to subsections (b) through (h), the” and inserting in lieu thereof “The”;

(2) in subsection (b)(1), by striking out “subsection (c)(1)(D)” both places it appears and inserting in lieu thereof “subsection (c)(1)(A)”;

(3) by striking out subsections (e) and (f); and

(4) by redesignating subsections (g) and (h) as subsections (e) and (f), respectively.

**SEC. 2855. LAND EXCHANGE, FORT LEWIS, WASHINGTON.**

Weyerhauser Real Estate Company.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey to Weyerhaeuser Real Estate Company, Tacoma, Washington (in this section referred to as “WRECO”), all right, title, and interest of the United States in and to a parcel of real property at Fort Lewis, Washington, known as an unimproved portion of Tract 1000 (formerly being in the DuPont Steilacoom Road, consisting of approximately 1.23 acres), and Tract 26E (consisting of 0.03 acre).

(b) CONSIDERATION.—As consideration for the conveyance authorized by subsection (a), WRECO shall convey or cause to be conveyed to the United States, by warranty deed acceptable to the Secretary, a 0.39 acre parcel of real property located adjacent to Fort Lewis, Washington, together with other consideration acceptable to the Secretary. The total consideration conveyed to the United States shall not be less than the fair market value of the land conveyed under subsection (a).

(c) DETERMINATION OF FAIR MARKET VALUE.—The determinations of the Secretary regarding the fair market values of the parcels of real property and improvements to be conveyed pursuant to subsections (a) and (b) shall be final.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the parcels of real property to be conveyed pursuant to subsections (a) and (b) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by WRECO.

(e) EFFECT ON EXISTING REVERSIONARY INTEREST.—The Secretary may enter into an agreement with the appropriate officials of Pierce County, Washington, under which—

(1) the existing reversionary interest of Pierce County in the lands to be conveyed by the United States under subsection (a) is extinguished; and

(2) the conveyance to the United States under subsection (b) is made subject to a similar reversionary interest in favor of Pierce County in the lands conveyed under such subsection.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyances under this section as the Secretary considers appropriate to protect the interests of the United States.

### SEC. 2856. LAND EXCHANGE, ARMY RESERVE CENTER, GAINESVILLE, GEORGIA.

(a) LAND EXCHANGE AUTHORIZED.—The Secretary of the Army may convey to the City of Gainesville, Georgia (in this section referred to as the “City”), all right, title, and interest of the United States in and to a parcel of real property, together with any improvements thereon, consisting of approximately 4.2 acres and located on Shallowford Road in Gainesville, Georgia, the site of the Army Reserve Center, Gainesville, Georgia.

(b) CONSIDERATION.—As consideration for the conveyance authorized by subsection (a), the City shall—

(1) convey to the United States all right, title, and interest in and to a parcel of real property consisting of approximately 8 acres located in the Atlas Industrial Park, Gainesville, Georgia, that is acceptable to the Secretary;

(2) design and construct on such real property suitable facilities (as determined by the Secretary) for training activities of the Army Reserve to replace facilities conveyed under subsection (a);

(3) carry out, at cost to the City, any environmental assessments and any other studies, analyses, and assessments that may be required under Federal law in connection with the land conveyances under subsection (a) and paragraph (1) and the construction under paragraph (2);

(4) pay the Secretary the amount (as determined by the Secretary) equal to the cost of relocating Army Reserve units from the real property to be conveyed under subsection (a) to the replacement facilities to be constructed under paragraph (2); and

(5) if the fair market value of the real property conveyed by the Secretary under subsection (a) exceeds the fair market value of the consideration provided by the City under paragraphs (1) through (4), pay the United States the amount equal to the amount of such excess.

(c) DETERMINATION OF FAIR MARKET VALUE.—The Secretary shall determine the fair market value of the real property to be conveyed under subsection (a) and of the consideration to be furnished by the City under subsection (b). Such determination shall be final.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the parcels of real property to be conveyed under subsections (a) and (b) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the City.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyances authorized by this section as the Secretary considers appropriate to protect the interests of the United States.

### SEC. 2857. LAND CONVEYANCE, HOLSTON ARMY AMMUNITION PLANT, MOUNT CARMEL, TENNESSEE.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without reimbursement, to the City of Mount Carmel, Tennessee (in this section referred to as the “City”), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 6.5 acres located at Holston Army Ammunition Plant, Tennessee. The property is located adjacent to the Mount Carmel Cemetery and is intended for expansion of the cemetery.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the City.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

### SEC. 2858. LAND CONVEYANCE, INDIANA ARMY AMMUNITION PLANT, CHARLESTOWN, INDIANA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the State of Indiana (in this section referred to as the "State"), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, that consists of approximately 1125 acres at the inactivated Indiana Army Ammunition Plant in Charlestown, Indiana, and is the subject of a 25-year lease between the Secretary and the State.

(b) CONDITION OF CONVEYANCE.—The conveyance authorized under subsection (a) shall be subject to the condition that the State use the conveyed property for recreational purposes.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the State.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

### SEC. 2859. LAND CONVEYANCE, FORT ORD, CALIFORNIA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey to the City of Seaside, California (in this section referred to as the "City"), all right, title, and interest of the United States in and to a parcel of real property (including improvements thereon) consisting of approximately 477 acres located in Monterey County, California, and comprising a portion of the former Fort Ord Military Complex. The real property to be conveyed to the City includes the two Fort Ord Golf Courses, Black Horse and Bayonet, and a portion of the Hayes Housing Facilities.

(b) CONSIDERATION.—As consideration for the conveyance of the real property and improvements under subsection (a), the City shall pay to the United States an amount equal to the fair market value of the property to be conveyed, as determined by the Secretary.

(c) USE AND DEPOSIT OF PROCEEDS.—(1) From the funds paid by the City under subsection (b), the Secretary shall deposit in the Morale, Welfare, and Recreation Fund Account of the Department of the Army such amounts as may be necessary to cover morale, welfare, and recreation activities at Army installations in the general vicinity of Fort Ord during fiscal years 1996 through 2000. The amount deposited by the Secretary into the Account shall not exceed the fair market value, as established under subsection (b), of the two Fort Ord Golf Courses conveyed under subsection (a). The Secretary shall notify Congress of the amount Notification.

to be deposited not later than 90 days after the date of the conveyance.

(2) The Secretary shall deposit the balance of any funds paid by the City under subsection (b), after deducting the amount deposited under paragraph (1), in the Department of Defense Base Closure Account 1990.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey mutually satisfactory to the Secretary and the City. The cost of the survey shall be borne by the City.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

### SEC. 2860. LAND CONVEYANCE, PARKS RESERVE FORCES TRAINING AREA, DUBLIN, CALIFORNIA.

(a) CONVEYANCE AUTHORIZED.—(1) Except as provided in paragraph (2), the Secretary of the Army may convey to the County of Alameda, California (in this section referred to as the "County") all right, title, and interest of the United States in and to a parce of real property, including improvements thereon, consisting o approximately 42 acres located at Parks Reserve Forces Training Area, Dublin, California.

(2) The conveyance authorized by this section shall not include any oil, gas, or mineral interest of the United States in the rea property to be conveyed.

(b) CONSIDERATION.—(1) As consideration for the conveyance under subsection (a)(1), the County shall provide the Army with the following services at the portion of Parks Reserve Forces Training Area retained by the Army:

(A) Relocation of the main gate of the retained Training Area from Dougherty Road to Dublin Boulevard across from the Bay Area Rapid Transit District East Dublin station, including the closure of the existing main gate on Dougherty Road construction of a security facility, and construction of a roadway from the new entrance to Fifth Street.

(B) Enclosing and landscaping of the southern boundary of the retained Training Area installation located northerly of Dublin Boulevard.

(C) Enclosing and landscaping of the eastern boundary of the retained Training Area from Dublin Boulevard to Gleason Drive.

(D) Resurfacing of roadways within the retained Training Area.

(E) Provision of such other services in connection with the retained Training Area, including relocation or reconstruction of water lines, relocation or reconstruction of sewer lines construction of drainage improvements, and construction o buildings, as the Secretary and the County may determine to be appropriate.

(F) Provision for and funding of any environmental mitigation that is necessary as a result of a change in use of th conveyed property by the County.

(2) The detailed specifications for the services to be provided under paragraph (1) may be determined and approved on behal

f the Secretary by the Commander of Parks Reserve Forces Train- ng Area. The preparation costs of such specifications shall be orne by the County.

(3) The fair market value of improvements and services received y the United States from the County under paragraph (1) must e equal to or exceed the appraised fair market value of the real roperty to be conveyed under subsection (a)(1). The appraisal f the fair market value of the property shall be subject to the ecretary's review and approval.

(c) Description of Property.—The exact acreage and legal escription of the real property to be conveyed under subsection a)(1) shall be determined by a survey satisfactory to the Secretary. he cost of the survey shall be borne by the County.

(d) Time for Transfer of Title.—The transfer of title to he County under subsection (a)(1) may be executed by the Secretary nly upon the satisfactory guarantee by the County of completion f the services to be provided under subsection (b).

(e) Additional Terms and Conditions.—The Secretary may equire such additional terms and conditions in connection with he conveyance under subsection (a)(1) as the Secretary considers ppropriate to protect the interests of the United States.

### EC. 2861. LAND CONVEYANCE, ARMY RESERVE CENTER, YOUNGSTOWN, OHIO.

(a) Conveyance Authorized.—The Secretary of the Army may onvey, without consideration, to the City of Youngstown, Ohio in this section referred to as the "City"), all right, title, and interest f the United States in and to a parcel of excess real property, ncluding improvements thereon, that is located at 399 Miller Street n Youngstown, Ohio, and contains the Kefurt Army Reserve Center.

(b) Condition of Conveyance.—The conveyance authorized nder subsection (a) shall be subject to the condition that the ity retain the conveyed property for the use and benefit of the oungstown Fire Department.

(c) Description of Property.—The exact acreage and legal escription of the real property to be conveyed under subsection a) shall be determined by a survey satisfactory to the Secretary. he cost of the survey shall be borne by the City.

(d) Additional Terms and Conditions.—The Secretary may equire such additional terms and conditions in connection with he conveyance under subsection (a) as the Secretary considers ppropriate to protect the interests of the United States.

### EC. 2862. LAND CONVEYANCE, ARMY RESERVE PROPERTY, FORT SHERIDAN, ILLINOIS.

(a) Conveyance Authorized.—Subject to subsection (b), the ecretary of the Army may convey to any transferee selected under ubsection (g) all right, title, and interest of the United States n and to a parcel of real property (including improvements thereon) t Fort Sheridan, Illinois, consisting of approximately 114 acres nd comprising an Army Reserve area.

(b) Requirement for Federal Screening of Property.— he Secretary may not carry out the conveyance of property author- zed by subsection (a) unless the Secretary determines that no epartment or agency of the Federal Government will accept the ransfer of the property.

(c) Consideration.—(1) As consideration for the conveyanc under subsection (a), the transferee selected under subsection (g shall—

(A) convey to the United States a parcel of real propert that meets the requirements of subsection (d);

(B) design for and construct on the property conveyed unde subparagraph (A) such facilities (including support facilitie and infrastructure) to replace the facilities conveyed pursuan to the authority in subsection (a) as the Secretary consider appropriate; and

(C) pay the cost of relocating Army personnel in the facilities located on the real property conveyed pursuant to th authority in subsection (a) to the facilities constructed unde subparagraph (B).

(2) The Secretary shall ensure that the fair market value c the consideration provided by the transferee under paragraph (1 is not less than the fair market value of the real property conveye by the Secretary under subsection (a).

(d) Requirements Relating to Property To Be Conveye to United States.—The real property conveyed to the Unite States under subsection (c)(1)(A) by the transferee selected unde subsection (g) shall—

(1) be located not more than 25 miles from Fort Sheridan

(2) be located in a neighborhood or area having soci and economic conditions similar to the social and economi conditions of the area in which Fort Sheridan is located; an

(3) be acceptable to the Secretary.

(e) Interim Relocation of Army Personnel.—Pendin completion of the construction of all the facilities proposed to b constructed under subsection (c)(1)(B) by the transferee selecte under subsection (g), the Secretary may relocate Army personn in the facilities located on the property to be conveyed pursuar to the authority in subsection (a) to the facilities that have bee constructed by the transferee under such subsection (c)(1)(B).

(f) Determination of Fair Market Value.—The Secretar shall determine the fair market value of the real property to b conveyed under subsection (a) and of the consideration to be pr vided under subsection (c)(1). Such determination shall be fina

(g) Selection of Transferee.—(1) The Secretary shall us competitive procedures for the selection of a transferee under sul section (a).

(2) In evaluating the offers of prospective transferees, the Se retary shall—

(A) consider such criteria as the Secretary considers be appropriate to determine whether prospective transfere will be able to satisfy the consideration requirements specifi in subsection (c)(1); and

(B) consult with the communities and jurisdictions in th vicinity of Fort Sheridan (including the City of Lake Fores the City of Highwood, and the City of Highland Park ar the County of Lake, Illinois) in order to determine the mo appropriate use of the property to be conveyed.

(h) Descriptions of Property.—The exact acreage and leg descriptions of the real property to be conveyed by the Secreta under subsection (a) and the real property to be conveyed und subsection (c)(1)(A) shall be determined by a survey satisfacto to the Secretary. The cost of the survey shall be borne by the transferee selected under subsection (g).

(i) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyances under this section as the Secretary considers appropriate to protect the interests of the United States.

### SEC. 2863. LAND CONVEYANCE, PROPERTY UNDERLYING CUMMINS APARTMENT COMPLEX, FORT HOLABIRD, MARYLAND.

(a) CONVEYANCE AUTHORIZED.—Notwithstanding any other provision of law, the Secretary of the Army may convey to the existing owner of the improvements thereon all right, title, and interest of the United States in and to a parcel of real property underlying the Cummins Apartment Complex at Fort Holabird, Maryland, that consists of approximately 6 acres, and any interest the United States may have in the improvements thereon.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the owner of the improvements referred to in that subsection shall provide compensation to the United States in an amount equal to the fair market value (as determined by the Secretary) of the property interest to be conveyed.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey that is satisfactory to the Secretary.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

### SEC. 2864. MODIFICATION OF EXISTING LAND CONVEYANCE, ARMY PROPERTY, HAMILTON AIR FORCE BASE, CALIFORNIA.

(a) APPLICATION OF SECTION.—The authority provided in subsection (b) shall apply only in the event that the purchaser purchases only a portion of the Sale Parcel referred to in section 9099 of the Department of Defense Appropriations Act, 1993 (Public Law 102–396; 106 Stat. 1924) and exercises the purchaser's option to withdraw from the sale as to the rest of the Sale Parcel.

(b) CONVEYANCE AUTHORITY IN EVENT OF PARTIAL SALE.—The Secretary of the Army may convey to the City of Novato, California (in this section referred to as the "City")—

(1) that portion of the Sale Parcel (other than Landfill 26 and an appropriate buffer area around it and the groundwater treatment facility site) that is not purchased as provided in subsection (a); and

(2) any of the land referred to in subsection (e) of such section 9099 that is not purchased by the purchaser.

(c) CONSIDERATION AND CONDITIONS ON CONVEYANCE.—The conveyance under subsection (b) shall be made as a public benefit transfer to the City for the sum of One Dollar, subject to the condition that the conveyed property be used for school, classroom, or other educational purposes or as a public park or recreation area.

(d) SUBSEQUENT CONVEYANCE BY THE CITY.—(1) If, within 10 years after the conveyance under subsection (b), the City conveys all or any part of the conveyed property to a third party without the use restrictions specified in subsection (c), the City shall pay to the Secretary of the Army an amount equal to the proceeds received by the City from the conveyance, minus the demonstrate reasonable costs of making the conveyance and of any improvement made by the City to the property following its acquisition of th land (but only to the extent such improvements increase the valu of the property conveyed). The Secretary of the Army shall delive into the applicable closing escrow an acknowledgement of receip of the proceeds and a release of the reverter right under subsectio (e) as to the affected land, effective upon such receipt.

(2) Until one year after the completion of the cleanup c contaminated soil in the Landfill located on the Sale Parcel an completion of the groundwater treatment facilities, any conveyanc by the City must be at a per-acre price for the portion sold tha is at least equal to the per-acre contract price paid by the purchase for the portion of the Sale Parcel purchased under the Agreemen and Modification for the purchase of the Sale Parcel by the pu chaser. Thereafter, any conveyance by the City must be at a pric at least equal to the fair market value of the portion sold.

(3) This subsection shall not apply to a conveyance by th City to another public or quasi-public agency for public uses c the kind described in subsection (c).

(e) REVERSION.—If the Secretary of the Army determines tha the City has failed to make a payment as required by subsectio (d)(1) or that any portion of the conveyed property retained b the City or conveyed under subsection (d)(3) is not being utilize in accordance with subsection (c), title to the applicable portio of such property shall revert to the United States at the electio of the Administrator of the General Services Administration.

(f) SPECIAL CONVEYANCE REGARDING BUILDING 138 PARCEL.— The Secretary of the Army may convey to the purchaser of th Sale Parcel the Building 138 parcel, which has been designate by the parties as Parcel A4. The per-acre price for the portio conveyed under this subsection shall be at least equal to the pe acre contract price paid by the purchaser for the portion of th Sale Parcel purchased under the Agreement and Modification, date September 25, 1990, as amended.

## PART II—NAVY CONVEYANCES

### SEC. 2865. TRANSFER OF JURISDICTION, NAVAL WEAPONS INDU TRIAL RESERVE PLANT, CALVERTON, NEW YORK.

(a) TRANSFER AUTHORIZED.—Notwithstanding section 2854 the Military Construction Authorization Act for Fiscal Year 19 (division B of Public Law 102–484; 106 Stat. 2626), as amende by section 2823 of the Military Construction Authorization A for Fiscal Year 1995 (division B of Public Law 103–337; 108 Sta 3058), the Secretary of the Navy may transfer, without reimburs ment, to the administrative jurisdiction of the Secretary of Vetera Affairs a parcel of real property consisting of approximately 1 acres located adjacent to the Calverton National Cemeter Calverton, New York, and comprising a portion of the buffer zo of the Naval Weapons Industrial Reserve Plant, Calverton, Ne York.

(b) USE OF PROPERTY.—The Secretary of Veterans Affairs sha use the real property transferred under subsection (a) as an additi to the Calverton National Cemetery and administer such real pro erty pursuant to chapter 24 of title 38, United States Code.

(c) SURVEY.—The cost of any survey necessary for the transfer of jurisdiction of the real property described in subsection (a) from the Secretary of the Navy to the Secretary of Veterans Affairs shall be borne by the Secretary of Veterans Affairs.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Navy may require such additional terms and conditions in connection with the transfer under this section as the Secretary of the Navy considers appropriate to protect the interests of the United States.

### SEC. 2866. MODIFICATION OF LAND CONVEYANCE, NAVAL WEAPONS INDUSTRIAL RESERVE PLANT, CALVERTON, NEW YORK.

(a) REMOVAL OF REVERSIONARY INTEREST; ADDITION OF LEASE AUTHORITY.—Subsection (c) of section 2833 of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 108 Stat. 3061) is amended to read as follows:

"(c) LEASE AUTHORITY.—Until such time as the real property described in subsection (a) is conveyed by deed, the Secretary may lease the property, along with improvements thereon, to the Community Development Agency in exchange for security services, fire protection services, and maintenance services provided by the Community Development Agency for the property.".

(b) CONFORMING AMENDMENT.—Subsection (e) of such section is amended by striking out "subsection (a)" and inserting in lieu thereof "subsection (a) or a lease under subsection (c)".

### SEC. 2867. LAND CONVEYANCE ALTERNATIVE TO EXISTING LEASE AUTHORITY, NAVAL SUPPLY CENTER, OAKLAND, CALIFORNIA.

Section 2834(b) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2614), as amended by section 2833 of the Military Construction Authorization Act for Fiscal Year 1994 (division B of Public Law 103–160; 107 Stat. 1896) and section 2821 of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 108 Stat. 3057), is further amended by adding at the end the following new paragraphs:

"(4) In lieu of entering into a lease under paragraph (1), or in place of an existing lease under that paragraph, the Secretary may convey, without consideration, the property described in that paragraph to the City of Oakland, California, the Port of Oakland, California, the City of Alameda, California, or the City of Richmond, California, under such terms and conditions as the Secretary considers appropriate.

"(5) The exact acreage and legal description of any property conveyed under paragraph (4) shall be determined by a survey satisfactory to the Secretary. The cost of each survey shall be borne by the recipient of the property.".

### SEC. 2868. LAND CONVEYANCE, NAVAL WEAPONS INDUSTRIAL RESERVE PLANT, MCGREGOR, TEXAS.

(a) CONVEYANCE AUTHORIZED.—(1) The Secretary of the Navy may convey, without consideration, to the City of McGregor, Texas (in this section referred to as the "City"), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, containing the Naval Weapons Industrial Reserve Plant, McGregor, Texas.

(2) After screening the facilities, equipment, and fixture (including special tooling and special test equipment) located o the parcel for other uses by the Department of the Navy, th Secretary may include in the conveyance under paragraph (1) an facilities, equipment, and fixtures on the parcel not to be so use if the Secretary determines that manufacturing activities requirin the use of such facilities, equipment, and fixtures are likely t continue or be reinstated on the parcel after conveyance unde paragraph (1).

(b) LEASE AUTHORITY.—Until such time as the real propert described in subsection (a)(1) is conveyed by deed, the Secretar may lease the property, along with improvements thereon, to th City in exchange for security services, fire protection services, an maintenance services provided by the City for the property.

(c) CONDITION OF CONVEYANCE.—The conveyance authorize under subsection (a) shall be subject to the condition that th City, directly or through an agreement with a public or privat entity, use the conveyed property (or offer the conveyed propert for use) for economic redevelopment to replace all or a part the economic activity being lost at the parcel.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and leg description of the real property to be conveyed under subsectio (a)(1) shall be determined by a survey satisfactory to the Secretar The cost of the survey shall be borne by the City.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary ma require such additional terms and conditions in connection wit the conveyance under subsection (a) or a lease under subsectic (b) as the Secretary considers appropriate to protect the interes of the United States.

## SEC. 2869. LAND CONVEYANCE, NAVAL SURFACE WARFARE CENTE MEMPHIS, TENNESSEE.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy ma convey to the Memphis and Shelby County Port Commission, Mem phis, Tennessee (in this section referred to as the "Port"), all righ title, and interest of the United States in and to a parcel of re property (including any improvements thereon) consisting approximately 26 acres that is located at the Carderock Divisio Naval Surface Warfare Center, Memphis Detachment, Presiden Island, Memphis, Tennessee.

(b) CONSIDERATION.—As consideration for the conveyance real property under subsection (a), the Port shall—

(1) grant to the United States a restrictive easement and to a parcel of real property consisting of approximate 100 acres that is adjacent to the Memphis Detachment, Pre dents Island, Memphis, Tennessee; and

(2) if the fair market value of the easement granted und paragraph (1) is less than the fair market value of the re property conveyed under subsection (a), provide the Unit States such additional consideration as the Secretary and t Port jointly determine appropriate so that the value of t consideration received by the United States under this su section is equal to or greater than the fair market value the real property conveyed under subsection (a).

(c) CONDITION OF CONVEYANCE.—The conveyance authoriz by subsection (a) shall be carried out in accordance with the pro sions of the Land Exchange Agreement between the United Stat nd the Memphis and Shelby County Port Commission, Memphis, ennessee.

(d) DETERMINATION OF FAIR MARKET VALUE.—The Secretary hall determine the fair market value of the real property to be onveyed under subsection (a) and of the easement to be granted nder subsection (b)(1). Such determinations shall be final.

(e) USE OF PROCEEDS.—The Secretary shall deposit any proeeds received under subsection (b)(2) as consideration for the onveyance of real property authorized under subsection (a) in he special account established pursuant to section 204(h)(2) of he Federal Property and Administrative Services Act of 1949 (40 .S.C. 485(h)(2)).

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal escription of the real property to be conveyed under subsection a) and the easement to be granted under subsection (b)(1) shall e determined by a survey satisfactory to the Secretary. The cost f the survey shall be borne by the Port.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may equire such additional terms and conditions in connection with he conveyance authorized by subsection (a) and the easement ranted under subsection (b)(1) as the Secretary considers approriate to protect the interests of the United States.

### EC. 2870. LAND CONVEYANCE, NAVY PROPERTY, FORT SHERIDAN, ILLINOIS.

(a) CONVEYANCE AUTHORIZED.—Subject to subsection (b), the ecretary of the Navy may convey to any transferee selected under ubsection (i) all right, title, and interest of the United States n and to a parcel of real property (including any improvements hereon) at Fort Sheridan, Illinois, consisting of approximately 182 cres and comprising the Navy housing areas at Fort Sheridan.

(b) REQUIREMENT FOR FEDERAL SCREENING OF PROPERTY.—The Secretary may not carry out the conveyance of property authorzed by subsection (a) unless the Secretary determines that no epartment or agency of the Federal Government will accept the ransfer of the property.

(c) CONSIDERATION.—(1) As consideration for the conveyance nder subsection (a), the transferee selected under subsection (i) hall—

(A) convey to the United States a parcel of real property that meets the requirements of subsection (d);

(B) design for and construct on the property conveyed under subparagraph (A) such housing facilities (including support facilities and infrastructure) to replace the housing facilities conveyed pursuant to the authority in subsection (a) as the Secretary considers appropriate;

(C) pay the cost of relocating members of the Armed Forces residing in the housing facilities located on the real property conveyed pursuant to the authority in subsection (a) to the housing facilities constructed under subparagraph (B);

(D) provide for the education of dependents of such members under subsection (e); and

(E) carry out such activities for the operation, maintenance, and improvement of the facilities constructed under subparagraph (B) as the Secretary and the transferee jointly determine appropriate.

(2) The Secretary shall ensure that the fair market value c the consideration provided by the transferee under paragraph (1 is not less than the fair market value of the property interes conveyed by the Secretary under subsection (a).

(d) Requirements Relating to Property To Be Conveye to United States.—The property interest conveyed to the Unite States under subsection (c)(1)(A) by the transferee selected unde subsection (i) shall—

(1) be located not more than 25 miles from the Grea Lakes Naval Training Center, Illinois;

(2) be located in a neighborhood or area having socia and economic conditions similar to the social and economi conditions of the area in which Fort Sheridan is located; an

(3) be acceptable to the Secretary.

(e) Education of Dependents of Members of the Arme Forces.—In providing for the education of dependents of membei of the Armed Forces under subsection (c)(1)(D), the transfere selected under subsection (i) shall ensure that such dependent may enroll at the schools of one or more school districts in th vicinity of the real property conveyed to the United States unde subsection (c)(1)(A) which schools and districts—

(1) meet such standards for schools and school district as the Secretary shall establish; and

(2) will continue to meet such standards after the enrol ment of such dependents regardless of the receipt by suc school districts of Federal impact aid.

(f) Interim Relocation of Members of the Armed Forces.- Pending completion of the construction of all the housing facilitie proposed to be constructed under subsection (c)(1)(B) by the tran feree selected under subsection (i), the Secretary may relocate-

(1) members of the Armed Forces residing in housing facil ties located on the property to be conveyed pursuant to th authority in subsection (a) to the housing facilities that hav been constructed by the transferee under such subsectic (c)(1)(B); and

(2) other Government tenants located on such propert to other facilities.

(g) Applicability of Certain Agreements.—The property co veyed by the Secretary pursuant to the authority in subsectic (a) shall be subject to the Memorandum of Understanding concer ing the Transfer of Certain Properties at Fort Sheridan, Illinoi dated August 8, 1991, between the Department of the Army ar the Department of the Navy.

(h) Determination of Fair Market Value.—The Secretai shall determine the fair market value of the real property intere to be conveyed under subsection (a) and of the consideration be provided under subsection (c)(1). Such determination shall l final.

(i) Selection of Transferee.—(1) The Secretary shall u competitive procedures for the selection of a transferee under su section (a).

(2) In evaluating the offers of prospective transferees, the Se retary shall—

(A) consider such criteria as the Secretary considers be appropriate to determine whether prospective transfere will be able to satisfy the consideration requirements specifi in subsection (c)(1); and

(B) consult with the communities and jurisdictions in the vicinity of Fort Sheridan (including the City of Lake Forest, the City of Highwood, and the City of Highland Park and the County of Lake, Illinois) in order to determine the most appropriate use of the property to be conveyed.

(j) DESCRIPTIONS OF PROPERTY.—The exact acreage and legal escriptions of the real property to be conveyed by the Secretary nder subsection (a) and the real property to be conveyed under ubsection (c)(1)(A) shall be determined by a survey satisfactory the Secretary. The cost of the survey shall be borne by the ansferee selected under subsection (i).

(k) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may equire such additional terms and conditions in connection with e conveyances under this section as the Secretary considers appro- riate to protect the interests of the United States.

### EC. 2871. LAND CONVEYANCE, NAVAL COMMUNICATIONS STATION, STOCKTON, CALIFORNIA.

(a) CONVEYANCE AUTHORIZED.—Subject to subsection (b), the ecretary of the Navy may convey to the Port of Stockton, California n this section referred to as the "Port"), all right, title, and interest the United States in and to a parcel of real property, including ny improvements thereon, consisting of approximately 1,450 acres the Naval Communication Station, Stockton, California.

(b) REQUIREMENT FOR FEDERAL SCREENING OF PROPERTY.—he Secretary may not carry out the conveyance of property author- ed by subsection (a) unless the Secretary determines that no epartment or agency of the Federal Government will accept the ansfer of the property.

(c) INTERIM LEASE.—Until such time as the real property escribed in subsection (a) is conveyed by deed, the Secretary may ase the property, along with improvements thereon, to the Port nder terms and conditions satisfactory to the Secretary.

(d) CONSIDERATION.—The conveyance may be made as a public enefit conveyance for port development as defined in section 203 the Federal Property and Administrative Services Act of 1949 0 U.S.C. 484) if the Port satisfies the criteria in such section nd the regulations prescribed to implement such section. If the ort fails to qualify for a public benefit conveyance and still desires acquire the property, the Port shall pay to the United States n amount equal to the fair market value of the property to be onveyed, as determined by the Secretary.

(e) FEDERAL LEASE OF CONVEYED PROPERTY.—As a condition r transfer of this property under subparagraph (a), the Secretary ay require that the Port lease to the Department of Defense r any other Federal agency all or any part of the property being sed by the Federal Government at the time of conveyance. Any ch lease shall be made under the same terms and conditions s in force at the time of the conveyance. Such terms and conditions ill continue to include payment to the Port for maintenance of acilities leased to the Federal Government. Such maintenance of e Federal premises shall be to the reasonable satisfaction of e United States, or as required by all applicable Federal, State, nd local laws and ordinances.

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal escription of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. Tl cost of the survey shall be borne by the Port.

(g) ADDITIONAL TERMS.—The Secretary may require such add tional terms and conditions in connection with the conveyance und subsection (a) or the lease under subsection (c) as the Secreta considers appropriate to protect the interests of the United State

### SEC. 2872. LEASE OF PROPERTY, NAVAL AIR STATION AND MARI CORPS AIR STATION, MIRAMAR, CALIFORNIA.

(a) LEASE AUTHORIZED.—Notwithstanding section 2692(a)(1) title 10, United States Code, the Secretary of the Navy may lea to the City of San Diego, California (in this subsection referr to as the “City”), the parcel of real property, including improvemen thereon, described in subsection (b) in order to permit the Ci to carry out activities on the parcel relating to solid waste manag ment, including the operation and maintenance of one or mo solid waste landfills. Pursuant to the lease, the Secretary m authorize the City to construct and operate on the parcel faciliti related to solid waste management, including a sludge processi facility.

(b) COVERED PROPERTY.—The parcel of property to be leas under subsection (a) is a parcel of real property consisting approximately 1,400 acres that is located at Naval Air Statio Miramar, California, or Marine Corps Air Station, Miramar, Ca fornia.

(c) LEASE TERM.—The lease authorized under subsection ( shall be for an initial term of not more than 50 years. Und the lease, the Secretary may provide the City with an option extend the lease for such number of additional periods of su length as the Secretary considers appropriate.

(d) FORM OF CONSIDERATION.—The Secretary may provide the lease under subsection (a) for the provision by the City in-kind consideration under the lease.

(e) USE OF MONEY RENTALS.—In such amounts as are provid in advance in appropriation Acts, the Secretary may use mon rentals received by the Secretary under the lease authorized und subsection (a) to carry out the following programs at Departme of the Navy installations that utilize the solid waste landfill landfills located on the leased property:

(1) Environmental programs, including natural resour management programs, recycling programs, and polluti prevention programs.

(2) Programs to improve the quality of military life, inclu ing programs to improve military unaccompanied housing a military family housing.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary m require such additional terms and conditions in connection wi the lease under subsection (a) as the Secretary considers app priate to protect the interests of the United States.

(g) DEFINITIONS.—In this section, the terms “sludge”, “so waste”, and “solid waste management” have the meanings giv such terms in paragraphs (26A), (27), and (28), respectively, section 1004 of the Solid Waste Disposal Act (42 U.S.C. 690

## PART III—AIR FORCE CONVEYANCES

### SEC. 2874. LAND ACQUISITION OR EXCHANGE, SHAW AIR FORCE BASE, SOUTH CAROLINA.

(a) LAND ACQUISITION.—By means of an exchange of property, acceptance as a gift, or other means that do not require the use of appropriated funds, the Secretary of the Air Force may acquire all right, title, and interest in and to a parcel of real property (together with any improvements thereon) consisting of approximately 1,100 acres and located adjacent to the eastern end of Shaw Air Force Base, South Carolina, and extending to Stamey Livestock Road in Sumter County, South Carolina.

(b) LAND EXCHANGE AUTHORIZED.—For purposes of acquiring the real property described in subsection (a), the Secretary may participate in a land exchange and convey all right, title, and interest of the United States in and to a parcel of real property in the possession of the Air Force if—

(1) the Secretary determines that the land exchange is in the best interests of the Air Force; and

(2) the fair market value of the parcel to be conveyed by the Secretary does not exceed the fair market value of the parcel to be acquired by the Secretary.

(c) DETERMINATIONS OF FAIR MARKET VALUE.—The Secretary shall determine the fair market value of the parcels of real property to be exchanged, accepted, or otherwise acquired pursuant to subsection (a) and exchanged pursuant to subsection (b). Such determinations shall be final.

(d) REVERSION OF GIFT CONVEYANCE.—If the Secretary acquires the real property described in subsection (a) by way of gift, the Secretary may accept in the deed of conveyance terms or conditions that require that the land be reconveyed to the donor, or the heirs of the donor, if Shaw Air Force Base ceases operations and is closed.

(e) DESCRIPTIONS OF PROPERTY.—The exact acreage and legal descriptions of the parcels of real property to be exchanged, accepted, or otherwise acquired pursuant to subsection (a) and exchanged pursuant to subsection (b) shall be determined by a survey satisfactory to the Secretary.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the acquisition under subsection (a) or conveyance under subsection (b) as the Secretary considers appropriate to protect the interests of the United States.

### SEC. 2875. LAND CONVEYANCE, ELMENDORF AIR FORCE BASE, ALASKA.

(a) CONVEYANCE TO PRIVATE PERSON AUTHORIZED.—The Secretary of the Air Force may convey to such private person as the Secretary considers appropriate, all right, title, and interest of the United States in and to a parcel of real property consisting of approximately 31.69 acres that is located at Elmendorf Air Force Base, Alaska, and identified in land lease W–95–507–ENG–58.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the purchaser shall pay to the United States an amount equal to the fair market value of the real property to be conveyed, as determined by the Secretary. In determining the fair market value of the real property, the Secretary shall consider the property as encumbered by land lease W–95–507–ENG–5 with an expiration date of June 13, 2024.

(c) Condition of Conveyance.—The conveyance authoriz by subsection (a) shall be subject to the condition that the purchas of the property—

(1) permit the lease of the apartment complex located the property by members of the Armed Forces stationed Elmendorf Air Force Base and their dependents; and

(2) maintain the apartment complex in a condition suitab for such leases.

(d) Deposit of Proceeds.—The Secretary shall deposit t amount received from the purchaser under subsection (b) in t special account established under section 204(h)(2) of the Feder Property and Administrative Services Act of 1949 (40 U.S. 485(h)(2)).

(e) Description of Property.—The exact acreage and leg description of the real property to be conveyed under subsecti (a) shall be determined by a survey satisfactory to the Secretar The cost of the survey shall be borne by the purchaser of t real property.

(f) Additional Terms and Conditions.—The Secretary m require such additional terms and conditions in connection wi the conveyance under this section as the Secretary considers appr priate to protect the interests of the United States.

### SEC. 2876. LAND CONVEYANCE, RADAR BOMB SCORING SIT FORSYTH, MONTANA.

(a) Conveyance Authorized.—The Secretary of the Air For may convey, without consideration, to the City of Forsyth, Monta (in this section referred to as the “City”), all right, title, and intere of the United States in and to the parcel of property (includi any improvements thereon) consisting of approximately 58 acr located in Forsyth, Montana, which has served as a support compl and recreational facilities for the Radar Bomb Scoring Site, Forsyt Montana.

(b) Condition of Conveyance.—The conveyance under su section (a) shall be subject to the condition that the City—

(1) utilize the property and recreational facilities convey under that subsection for housing and recreation purpos or

(2) enter into an agreement with an appropriate pub or private entity to lease such property and facilities to th entity for such purposes.

(c) Reversion.—If the Secretary determines at any time th the property conveyed under subsection (a) is not being utiliz in accordance with paragraph (1) or paragraph (2) of subsecti (b), all right, title, and interest in and to the conveyed proper including any improvements thereon, shall revert to the Unit States and the United States shall have the right of immedi entry onto the property.

(d) Description of Property.—The exact acreage and le description of the property conveyed under this section shall determined by a survey satisfactory to the Secretary. The c of the survey shall be borne by the City.

(e) Additional Terms and Conditions.—The Secretary m require such additional terms and conditions in connection w the conveyance under this section as the Secretary determines appropriate to protect the interests of the United States.

### SEC. 2877. LAND CONVEYANCE, RADAR BOMB SCORING SITE, POWELL, WYOMING.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey, without consideration, to the Northwest College Board of Trustees (in this section referred to as the "Board"), all right, title, and interest of the United States in and to a parcel of real property (including any improvements thereon) consisting of approximately 24 acres located in Powell, Wyoming, which has served as the location of a support complex, recreational facilities, and housing facilities for the Radar Bomb Scoring Site, Powell, Wyoming.

(b) CONDITION OF CONVEYANCE.—The conveyance authorized under subsection (a) shall be subject to the condition that the Board use the property conveyed under that subsection for housing and recreation purposes and for such other purposes as the Secretary and the Board jointly determine appropriate.

(c) REVERSIONARY INTEREST.—During the five-year period beginning on the date that the Secretary makes the conveyance authorized under subsection (a), if the Secretary determines that the conveyed property is not being used in accordance with subsection (b), all right, title, and interest in and to the conveyed property, including any improvements thereon, shall revert to the United States and the United States shall have the right of immediate entry onto the property.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property conveyed under this section shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Board.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

### SEC. 2878. LAND CONVEYANCE, AVON PARK AIR FORCE RANGE, FLORIDA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey, without consideration, to Highlands County, Florida (in this section referred to as the "County"), all right, title, and interest of the United States in and to a parcel of real property, together with any improvements thereon, located within the boundaries of the Avon Park Air Force Range near Sebring, Florida, which has previously served as the location of a support complex and recreational facilities for the Avon Park Air Force Range.

(b) CONDITION OF CONVEYANCE.—The conveyance authorized under subsection (a) shall be subject to the condition that the County, directly or through an agreement with an appropriate public or private entity, use the conveyed property, including the support complex and recreational facilities, for operation of a juvenile or other correctional facility.

(c) REVERSIONARY INTEREST.—If the Secretary determines at any time that the property conveyed under subsection (a) is not being used in accordance with subsection (b), all right, title, and interest in the property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry onto the property.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and leg description of the real property to be conveyed under subsectio (a) shall be determined by a survey satisfactory to the Secretar The cost of the survey shall be borne by the County.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary ma require such additional terms and conditions in connection wit the conveyance under this section as the Secretary considers appr priate to protect the interests of the United States.

## Subtitle E—Land Conveyances Involving Utilities

### SEC. 2881. CONVEYANCE OF RESOURCE RECOVERY FACILITY, FO DIX, NEW JERSEY.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army ma convey to Burlington County, New Jersey (in this section referre to as the "County"), all right, title, and interest of the Unite States in and to a parcel of real property at Fort Dix, New Jerse consisting of approximately six acres and containing a resour recovery facility, known as the Fort Dix resource recovery facilit

(b) RELATED EASEMENTS.—The Secretary may grant to th County any easement that is necessary for access to and operati of the resource recovery facility conveyed under subsection (a

(c) REQUIREMENT RELATING TO CONVEYANCE.—The Secreta may not carry out the conveyance of the resource recovery facili authorized by subsection (a) unless the County agrees to acce the facility in its existing condition at the time of the conveyanc

(d) CONDITIONS ON CONVEYANCE.—The conveyance of th resource recovery facility authorized by subsection (a) is subje to the following conditions:

(1) That the County provide refuse and steam service Fort Dix, New Jersey, at the rate established by the appropria Federal or State regulatory authority.

(2) That the County comply with all applicable enviro mental laws and regulations (including any permit or licen requirements) relating to the resource recovery facility.

(3) That the County assume full responsibility for owne ship, operation, maintenance, repair, and all regulatory compl ance requirements for the resource recovery facility.

(4) That the County not commence any expansion of th resource recovery facility without approval of such expansio by the Secretary.

(e) DESCRIPTION OF THE PROPERTY.—The exact acreage an legal description of the real property to be conveyed under su section (a), and of any easements to be granted under subsectio (b), shall be determined by a survey satisfactory to the Secretar The cost of such survey shall be borne by the County.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary ma require such additional terms and conditions in connection wi the conveyance under subsection (a) and the grant of any easeme under subsection (b) as the Secretary considers appropriate to pr tect the interests of the United States.

### SEC. 2882. CONVEYANCE OF WATER AND WASTEWATER TREATMENT PLANTS, FORT GORDON, GEORGIA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey to the city of Augusta, Georgia (in this section referred to as the "City"), all right, title, and interest of the United States to several parcels of real property located at Fort Gordon, Georgia, and consisting of approximately seven acres each. The parcels are improved with a water filtration plant, water distribution system with storage tanks, sewage treatment plant, and sewage collection system.

(b) RELATED EASEMENTS.—The Secretary may grant to the City any easement that is necessary for access to the real property conveyed under subsection (a) and operation of the water and wastewater treatment plants and distribution and collection systems conveyed under subsection (a).

(c) REQUIREMENT RELATING TO CONVEYANCE.—The Secretary may not carry out the conveyance of the water and wastewater treatment plants and distribution and collection systems authorized by subsection (a) unless the City agrees to accept the water and wastewater treatment plants and distribution and collection systems in their existing condition at the time of the conveyance.

(d) CONDITIONS ON CONVEYANCE.—The conveyance authorized by subsection (a) is subject to the following conditions:

(1) That the City provide water and sewer service to Fort Gordon, Georgia, at a rate established by the appropriate Federal or State regulatory authority.

(2) That the City comply with all applicable environmental laws and regulations (including any permit or license requirements) regarding the real property conveyed under subsection (a).

(3) That the City assume full responsibility for ownership, operation, maintenance, repair, and all regulatory compliance requirements for the water and wastewater treatment plants and distribution and collection systems.

(4) That the City not commence any expansion of the water and wastewater treatment plants and distribution and collection systems without approval of such expansion by the Secretary.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a), and of any easements granted under subsection (b), shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by the City.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) and the grant of any easement under subsection (b) as the Secretary considers appropriate to protect the interests of the United States.

### SEC. 2883. CONVEYANCE OF ELECTRICITY DISTRIBUTION SYSTEM, FORT IRWIN, CALIFORNIA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey to the Southern California Edison Company, California (in this section referred to as the "Company"), all right, title, and interest of the United States in and to the electricity distribution system located at Fort Irwin, California.

(b) DESCRIPTION OF SYSTEM AND CONVEYANCE.—The electricity distribution system authorized to be conveyed under subsection (a) consists of approximately 115 miles of electricity distribution lines (including poles, switches, reclosers, transformers, regulators, switchgears, and service lines) and includes the equipment, fixtures, structures, and other improvements the Federal Government utilizes to provide electricity services at Fort Irwin. The system does not include any real property.

(c) RELATED EASEMENTS.—The Secretary may grant to the Company any easement that is necessary for access to and operation of the electricity distribution system conveyed under subsection (a).

(d) REQUIREMENT RELATING TO CONVEYANCE.—The Secretary may not carry out the electricity distribution system authorized by subsection (a) unless the Company agrees to accept the electricity distribution system in its existing condition at the time of the conveyance.

(e) CONDITIONS ON CONVEYANCE.—The conveyance authorized by subsection (a) is subject to the following conditions:

(1) That the Company provide electricity service to Fort Irwin, California, at a rate established by the appropriate Federal or State regulatory authority.

(2) That the Company comply with all applicable environmental laws and regulations (including any permit or license requirements) regarding the electricity distribution system.

(3) That the Company assume full responsibility for ownership, operation, maintenance, repair, and all regulatory compliance requirements for the electricity distribution system.

(4) That the Company not commence any expansion of the electricity distribution system without approval of such expansion by the Secretary.

(f) DESCRIPTION OF EASEMENT.—The exact acreage and legal description of any easement granted under subsection (c) shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by the Company.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) and the grant of any easement under subsection (c) as the Secretary considers appropriate to protect the interests of the United States.

### SEC. 2884. CONVEYANCE OF WATER TREATMENT PLANT, FORT PICKETT, VIRGINIA.

(a) AUTHORITY TO CONVEY.—(1) The Secretary of the Army may convey to the Town of Blackstone, Virginia (in this section referred to as the "Town"), all right, title, and interest of the United States in and to the property described in paragraph (2).

(2) The property referred to in paragraph (1) is the following property located at Fort Pickett, Virginia:

(A) A parcel of real property consisting of approximately 10 acres, including a reservoir and improvements thereon, the site of the Fort Pickett water treatment plant.

(B) Any equipment, fixtures, structures, or other improvements (including any water transmission lines, water distribution and service lines, fire hydrants, water pumping stations, and other improvements) not located on the parcel described in subparagraph (A) that are jointly identified by the Secretary and the Town as owned and utilized by the Federal Government in order to provide water to and distribute water at Fort Pickett.

(b) RELATED EASEMENTS.—The Secretary may grant to the Town the following easements relating to the conveyance of the property authorized by subsection (a):

(1) Such easements, if any, as the Secretary and the Town jointly determine are necessary in order to provide access to the water distribution system referred to in paragraph (2) of such subsection for maintenance, safety, and other purposes.

(2) Such easements, if any, as the Secretary and the Town jointly determine are necessary in order to provide access to the finished water lines from the system to the Town.

(3) Such rights of way appurtenant, if any, as the Secretary and the Town jointly determine are necessary in order to satisfy requirements imposed by any Federal, State, or municipal agency relating to the maintenance of a buffer zone around the water distribution system.

(c) WATER RIGHTS.—The Secretary shall grant to the Town as part of the conveyance under subsection (a) all right, title, and interest of the United States in and to any water of the Nottoway River, Virginia, that is connected with the reservoir referred to in paragraph (2)(A) of such subsection. The grant of such water rights shall not impair the right that any other local jurisidiction may have to withdraw water from the Nottoway River, on or after the date of the enactment of this Act, pursuant to the law of the Commonwealth of Virginia.

(d) REQUIREMENTS RELATING TO CONVEYANCE.—(1) The Secretary may not carry out the conveyance of the water distribution system authorized under subsection (a) unless the Town agrees to accept the system in its existing condition at the time of the conveyance.

(2) The Secretary shall complete any environmental removal or remediation required under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) with respect to the system to be conveyed under this section before carrying out the conveyance.

(e) CONDITIONS ON CONVEYANCE.—The conveyance authorized in subsection (a) shall be subject to the following conditions:

(1) That the Town reserve for provision to Fort Pickett, and provide to Fort Pickett on demand, not less than 1,500,000 million gallons per day of treated water from the water distribution system.

(2) That the Town provide water to and distribute water at Fort Pickett at a rate established by the appropriate Federal or State regulatory authority.

(3) That the Town maintain and operate the water distribution system in compliance with all applicable Federal and State environmental laws and regulations (including any permit and license requirements).

(f) DESCRIPTION OF PROPERTY.—The exact legal description of the property to be conveyed under subsection (a), of any easements granted under subsection (b), and of any water rights granted under subsection (c) shall be determined by a survey and other means satisfactory to the Secretary. The cost of any survey or other services performed at the direction of the Secretary under the authority in the preceding sentence shall be borne by the Town.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance authorized under subsection (a), the easements granted under subsection (b), and the water rights granted under subsection (c) that the Secretary considers appropriate to protect the interests of the United States.

## Subtitle F—Other Matters

### SEC. 2891. AUTHORITY TO USE FUNDS FOR CERTAIN EDUCATIONAL PURPOSES.

Section 2008 of title 10, United States Code, is amended by striking out "section 10" and all that follows through the period at the end and inserting in lieu thereof "construction, as defined in section 8013(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(3)), or to carry out section 8008 of such Act (20 U.S.C. 7708), relating to the provision of assistance to certain school facilities under the impact aid program.".

10 USC 2805 note.

### SEC. 2892. DEPARTMENT OF DEFENSE LABORATORY REVITALIZATION DEMONSTRATION PROGRAM.

(a) PROGRAM AUTHORIZED.—The Secretary of Defense may carry out a program (to be known as the "Department of Defense Laboratory Revitalization Demonstration Program") for the revitalization of Department of Defense laboratories. Under the program, the Secretary may carry out minor military construction projects in accordance with subsection (b) and other applicable law to improve Department of Defense laboratories covered by the program.

(b) INCREASED MAXIMUM AMOUNTS APPLICABLE TO MINOR CONSTRUCTION PROJECTS.—For purpose of any military construction project carried out under the program—

(1) the amount provided in the second sentence of subsection (a)(1) of section 2805 of title 10, United States Code, shall be deemed to be $3,000,000;

(2) the amount provided in subsection (b)(1) of such section shall be deemed to be $1,500,000; and

(3) the amount provided in subsection (c)(1)(B) of such section shall be deemed to be $1,000,000.

(c) PROGRAM REQUIREMENTS.—(1) Not later than 30 days before commencing the program, the Secretary shall—

(A) designate the Department of Defense laboratories at which construction may be carried out under the program; and

(B) establish procedures for the review and approval of requests from such laboratories to carry out such construction.

(2) The laboratories designated under paragraph (1)(A) may not include Department of Defense laboratories that are contractor owned.

Notification.

(3) The Secretary shall notify Congress of the laboratories designated under paragraph (1)(A).

(d) REPORT.—Not later than February 1, 1998, the Secretary shall submit to Congress a report on the program. The report shall include the Secretary's conclusions and recommendations regarding the desirability of extending the authority set forth in subsection (b) to cover all Department of Defense laboratories.

(e) EXCLUSIVITY OF PROGRAM.—Nothing in this section may be construed to limit any other authority provided by law for any military construction project at a Department of Defense laboratory covered by the program.

(f) DEFINITIONS.—In this section:

(1) The term "laboratory" includes—

(A) a research, engineering, and development center;

(B) a test and evaluation activity owned, funded, and operated by the Federal Government through the Department of Defense; and

(C) a supporting facility of a laboratory.

(2) The term "supporting facility", with respect to a laboratory, means any building or structure that is used in support of research, development, test, and evaluation at the laboratory.

(g) EXPIRATION OF AUTHORITY.—The Secretary may not commence a construction project under the program after September 30, 1998.

### SEC. 2893. AUTHORITY FOR PORT AUTHORITY OF STATE OF MISSISSIPPI TO USE NAVY PROPERTY AT NAVAL CONSTRUCTION BATTALION CENTER, GULFPORT, MISSISSIPPI.

(a) JOINT USE AGREEMENT AUTHORIZED.—The Secretary of the Navy may enter into an agreement with the Port Authority of the State of Mississippi (in this section referred to as the "Port Authority"), under which the Port Authority may use real property comprising up to 50 acres located at the Naval Construction Battalion Center, Gulfport, Mississippi (in this section referred to as the "Center").

(b) TERM OF AGREEMENT.—The agreement authorized under subsection (a) may be for an initial period of not more than 15 years. Under the agreement, the Secretary shall provide the Port Authority with an option to extend the agreement for at least three additional periods of five years each.

(c) CONDITIONS ON USE.—The agreement authorized under subsection (a) shall require the Port Authority—

(1) to suspend operations under the agreement in the event Navy contingency operations are conducted at the Center; and

(2) to use the property covered by the agreement in a manner consistent with Navy operations conducted at the Center.

(d) CONSIDERATION.—(1) As consideration for the use of the property covered by the agreement under subsection (a), the Port Authority shall pay to the Navy an amount equal to the fair market rental value of the property, as determined by the Secretary taking into consideration the Port Authority's use of the property.

(2) The Secretary may include a provision in the agreement requiring the Port Authority—

(A) to pay the Navy an amount (as determined by the Secretary) to cover the costs of replacing at the Center any facilities vacated by the Navy on account of the agreement or to construct suitable replacement facilities for the Navy; and

(B) to pay the Navy an amount (as determined by the Secretary) for the costs of relocating Navy operations from the vacated facilities to the replacement facilities.

(e) CONGRESSIONAL NOTIFICATION.—The Secretary may not enter into the agreement authorized by subsection (a) until the Reports.

end of the 21-day period beginning on the date on which the Secretary submits to Congress a report containing an explanation of the terms of the proposed agreement and a description of the consideration that the Secretary expects to receive under the agreement.

(f) USE OF PAYMENT.—(1) In such amounts as are provided in advance in appropriation Acts, the Secretary may use amounts paid under subsection (d)(1) to pay for general supervision, administration, and overhead expenses and for improvement, maintenance, repair, construction, or restoration of the roads, railways, and facilities serving the Center.

(2) In such amounts as are provided in advance in appropriation Acts, the Secretary may use amounts paid under subsection (d)(2) to pay for constructing new facilities, or making modifications to existing facilities, that are necessary to replace facilities vacated by the Navy on account of the agreement under subsection (a) and for relocating operations of the Navy from the vacated facilities to replacement facilities.

(g) CONSTRUCTION BY PORT AUTHORITY.—The Secretary may authorize the Port Authority to demolish existing facilities located on the property covered by the agreement under subsection (a) and, consistent with the restriction specified in subsection (c)(2), construct new facilities on the property for joint use by the Port Authority and the Navy.

(h) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the agreement authorized under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

### SEC. 2894. PROHIBITION ON JOINT USE OF NAVAL AIR STATION AND MARINE CORPS AIR STATION, MIRAMAR, CALIFORNIA.

The Secretary of the Navy may not enter into any agreement that provides for or permits civil aircraft to regularly use Naval Air Station or Marine Corps Air Station, Miramar, California.

### SEC. 2895. REPORT REGARDING ARMY WATER CRAFT SUPPORT FACILITIES AND ACTIVITIES.

Not later than February 15, 1996, the Secretary of the Army shall submit to Congress a report setting forth—

(1) the location, assets, and mission of each Army facility, active or reserve component, that supports water transportation operations;

(2) an infrastructure inventory and utilization rate of each Army facility supporting water transportation operations;

(3) options for consolidating these operations to reduce overhead; and

(4) actions that can be taken to respond affirmatively to requests from the residents of Marcus Hook, Pennsylvania, to close the Army Reserve facility located in Marcus Hook and make the facility available for use by the community.

### SEC. 2896. RESIDUAL VALUE REPORTS.

(a) REPORTS REQUIRED.—The Secretary of Defense, in coordination with the Director of the Office of Management and Budget, shall submit to the congressional defense committees status reports on the results of residual value negotiations between the United States and Germany. Such status reports shall be submitted within

30 days after the receipt of such reports by the Office of Management and Budget.

(b) CONTENT OF STATUS REPORTS.—The status reports required by subsection (a) shall include the following information:

(1) The estimated residual value of United States capital value and improvements to facilities in Germany that the United States has turned over to Germany.

(2) The actual value obtained by the United States for each facility or installation turned over to Germany.

(3) The reasons for any difference between the estimated and actual value obtained.

### SEC. 2897. SENSE OF CONGRESS AND REPORT REGARDING FITZSIMONS ARMY MEDICAL CENTER, COLORADO.

(a) FINDINGS.—Congress makes the following findings:

(1) Fitzsimons Army Medical Center in Aurora, Colorado, was approved for closure in 1995 under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

(2) The University of Colorado Health Sciences Center and the University of Colorado Hospital Authority are in urgent need of space to maintain their ability to deliver health care to meet the growing demand for their services.

(3) Reuse of the Fitzsimons Army Medical Center at the earliest opportunity would provide significant benefit to the cities of Aurora, Colorado, and Denver, Colorado.

(4) Reuse of the Fitzsimons Army Medical Center by the communities in the vicinity of the center will ensure that the center is fully utilized, thereby providing a benefit to such communities.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) determinations as to the use by other departments and agencies of the Federal Government of buildings and property at military installations approved for closure under the Defense Base Closure and Realignment Act of 1990, including Fitzsimons Army Medical Center, Colorado, should be completed as soon as practicable;

(2) the Secretary of Defense should consider the expedited transfer of appropriate facilities (including facilities that remain operational) at such installations to the redevelopment authorities for such installations in order to ensure continuity of use of such facilities after the closure of such installations, in particular, the Secretary should consider the expedited transfer of the Fitzsimons Army Medical Center because of the significant preparation underway by the redevelopment authority concerned;

(3) the Secretary should not enter into leases with redevelopment authorities for facilities at such installations until the Secretary determines that such leases fall within the categorical exclusions established by the Secretary pursuant to the National Environmental Policy Act (42 U.S.C. 4321 et seq.).

(c) REPORT.—(1) Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the closure and redevelopment of Fitzsimons Army Medical Center.

(2) The report shall include the following:

(A) The results of the determinations as to the use of buildings and property at Fitzsimons Army Medical Center by other departments and agencies of the Federal Government under section 2905(b)(1) of the Defense Base Closure and Realignment Act of 1990.

(B) A description of any actions taken to expedite such determinations.

(C) A discussion of any impediments raised as a result of such determinations to the transfer or lease of Fitzsimons Army Medical Center.

(D) A description of any actions taken by the Secretary to lease Fitzsimons Army Medical Center to the redevelopment authority.

(E) The results of any environmental reviews under the National Environmental Policy Act in which such a lease would fall into the categorical exclusions established by the Secretary of the Army.

(F) The results of the environmental baseline survey regarding Fitzsimons Army Medical Center and a finding of suitability or nonsuitability.

Illinois Land Conservation Act of 1995.
16 USC 1609 note.

# TITLE XXIX—LAND CONVEYANCES INVOLVING JOLIET ARMY AMMUNITION PLANT, ILLINOIS

## SEC. 2901. SHORT TITLE.

This title may be cited as the “Illinois Land Conservation Act of 1995”.

## SEC. 2902. DEFINITIONS.

For purposes of this title, the following definitions apply:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the United States Environmental Protection Agency.

(2) AGRICULTURAL PURPOSES.—The term “agricultural purposes” means the use of land for row crops, pasture, hay, and grazing.

(3) ARSENAL.—The term “Arsenal” means the Joliet Army Ammunition Plant located in the State of Illinois.

(4) ARSENAL LAND USE CONCEPT.—The term “Arsenal land use concept” means the land use proposals that were developed and unanimously approved on May 30, 1995, by the Joliet Arsenal Citizen Planning Commission.

(5) CERCLA.—The term “CERCLA” means the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

(6) ENVIRONMENTAL LAW.—The term “environmental law” means all applicable Federal, State, and local laws, regulations, and requirements related to protection of human health, natural and cultural resources, or the environment. Such term includes CERCLA, the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the Clean Air Act (42 U.S.C. 7401 et seq.), the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.), the Toxic Substances Control Act (15

U.S.C. 2601 et seq.), and the Safe Drinking Water Act (42 U.S.C. 300f et seq.).

(7) HAZARDOUS SUBSTANCE.—The term “hazardous substance” has the meaning given such term by section 101(14) of CERCLA (42 U.S.C. 9601(14)).

(8) MNP.—The term “MNP” means the Midewin National Tallgrass Prairie established pursuant to section 2914 and managed as a part of the National Forest System.

(9) PERSON.—The term “person” has the meaning given such term by section 101(21) of CERCLA (42 U.S.C. 9601(21)).

(10) POLLUTANT OR CONTAMINANT.—The term “pollutant or contaminant” has the meaning given such term by section 101(33) of CERCLA (42 U.S.C. 9601(33)).

(11) RELEASE.—The term “release” has the meaning given such term by section 101(22) of CERCLA (42 U.S.C. 9601(22)).

(12) RESPONSE ACTION.—The term “response action” has the meaning given the term “response” by section 101(25) of CERCLA (42 U.S.C. 9601(25)).

## Subtitle A—Conversion of Joliet Army Ammunition Plant to Midewin National Tallgrass Prairie

### SEC. 2911. PRINCIPLES OF TRANSFER.

(a) LAND USE PLAN.—The Congress ratifies in principle the proposals generally identified by the land use plan which was developed by the Joliet Arsenal Citizen Planning Commission and unanimously approved on May 30, 1995.

(b) TRANSFER WITHOUT REIMBURSEMENT.—The area constituting the Midewin National Tallgrass Prairie shall be transferred, without reimbursement, to the Secretary of Agriculture.

(c) MANAGEMENT OF MNP.—Management by the Secretary of Agriculture of those portions of the Arsenal transferred to the Secretary under this title shall be in accordance with sections 2914 and 2915 regarding the Midewin National Tallgrass Prairie.

(d) SECURITY MEASURES.—The Secretary of the Army and the Secretary of Agriculture shall each provide and maintain physical and other security measures on such portion of the Arsenal as is under the administrative jurisdiction of such Secretary, unless the Secretary of the Army and the Secretary of Agriculture agree otherwise. Such security measures (which may include fences and natural barriers) shall include measures to prevent members of the public from gaining unauthorized access to such portions of the Arsenal as are under the administrative jurisdiction of such Secretary and that may endanger health or safety.

(e) COOPERATIVE AGREEMENTS.—The Secretary of the Army, the Secretary of Agriculture, and the Administrator are individually and collectively authorized to enter into cooperative agreements and memoranda of understanding among each other and with other affected Federal agencies, State and local governments, private organizations, and corporations to carry out the purposes for which the Midewin National Tallgrass Prairie is established.

(f) INTERIM ACTIVITIES OF THE SECRETARY OF AGRICULTURE.—Prior to transfer and subject to such reasonable terms and conditions as the Secretary of the Army may prescribe, the Secretary of Agriculture may enter upon the Arsenal property for purposes related to planning, resource inventory, fish and wildlife habitat manipulation (which may include prescribed burning), and other such activities consistent with the purposes for which the Midewin National Tallgrass Prairie is established.

### SEC. 2912. TRANSFER OF MANAGEMENT RESPONSIBILITIES AND JURISDICTION OVER ARSENAL.

(a) General Rule for Transfer of Jurisdiction.—

(1) Transfer required subject to response actions.—Subject to subsection (d), not later than 270 days after the date of the enactment of this title, the Secretary of the Army shall transfer, without reimbursement, to the Secretary of Agriculture those portions of the Arsenal that—

(A) are identified on the map described in subsection (e)(1) as appropriate for transfer under this subsection to the Secretary of Agriculture; and

(B) the Secretary of the Army and the Administrator concur in finding that all response actions have been taken under CERCLA necessary to protect human health and the environment with respect to any hazardous substance remaining on the property.

Memorandum.

(2) Effect of less than complete transfer.—If the concurrence requirement in paragraph (1)(B) results in the transfer, within such 270-day period, of less than all of the Arsenal property covered by paragraph (1)(A), the Secretary of the Army and the Secretary of Agriculture shall enter into a memorandum of understanding providing for the performance by the Secretary of the Army of the additional response actions necessary to allow fulfillment of the concurrence requirement with respect to such Arsenal property. The memorandum of understanding shall be entered into within 60 days of the end of such 270-day period and shall include a schedule for the completion of the additional response actions as soon as practicable. Subject to subsection (d), the Secretary of the Army shall transfer Arsenal property covered by this paragraph to the Secretary of Agriculture as soon as possible after the Secretary of the Army and the Administrator concur that all additional response actions have been taken under CERCLA necessary to protect human health and the environment with respect to any hazardous substance remaining on the property. The Secretary of the Army may make transfers under this paragraph on a parcel-by-parcel basis.

(3) Rule of construction regarding concurrences.—For the purpose of reaching the concurrences required by this subsection and subsection (b), if a response action requires construction and installation of an approved remedial design, the response action shall be considered to have been taken when the construction and installation of the approved remedial design is completed and the remedy is demonstrated to the satisfaction of the Administrator to be operating properly and successfully.

(b) Special Transfer Requirements for Certain Parcels.—Subject to subsection (d), the Secretary of the Army shall transfer, without reimbursement, to the Secretary of Agriculture the Arsenal property known as LAP Area Sites L2, L3, and L5 and Manufacturing Area Site 1. The transfer shall occur as soon as possible after the Secretary of the Army and the Administrator concur that all response actions have been taken under CERCLA necessary to protect human health and the environment with respect to any hazardous substance remaining on the property. The Secretary of the Army may make transfers under this subsection on a parcel-by-parcel basis.

(c) DOCUMENTATION OF ENVIRONMENTAL CONDITION OF PARCELS; ASSESSMENT OF REQUIRED ACTIONS UNDER OTHER ENVIRONMENTAL LAWS.—

(1) DOCUMENTATION.—The Secretary of the Army and the Administrator shall provide to the Secretary of Agriculture all documentation and information that exists on the date the documentation and information is provided relating to the environmental condition of the Arsenal property proposed for transfer under subsection (a) or (b), including documentation that supports the finding that all response actions have been taken under CERCLA necessary to protect human health and the environment with respect to any hazardous substance remaining on the property.

(2) ASSESSMENT.—The Secretary of the Army shall provide to the Secretary of Agriculture an assessment, based on information in existence at the time the assessment is provided, indicating what further action, if any, is required under any environmental law (other than CERCLA) on the Arsenal property proposed for transfer under subsection (a) or (b).

(3) TIME FOR SUBMISSION OF DOCUMENTATION AND ASSESSMENT.—The documentation and assessments required to be submitted to the Secretary of Agriculture under this subsection shall be submitted—

(A) in the case of the transfers required by subsection (a), not later than 210 days after the date of the enactment of this title; and

(B) in the case of the transfers required by subsection (b), not later than 60 days before the earliest date on which the property could be transferred.

(4) SUBMISSION OF ADDITIONAL INFORMATION.—The Secretary of the Army and the Administrator shall have a continuing obligation to provide to the Secretary of Agriculture any additional information regarding the environmental condition of property to be transferred under subsection (a) or (b) as such information becomes available.

(d) EFFECT OF ENVIRONMENTAL ASSESSMENT.—

(1) AUTHORITY OF SECRETARY OF AGRICULTURE TO DECLINE IMMEDIATE TRANSFER.—If a parcel of Arsenal property to be transferred under subsection (a) or (b) includes property for which the assessment under subsection (c)(2) concludes further action is required under any environmental law (other than CERCLA), the Secretary of Agriculture may decline immediate transfer of the parcel. With respect to such a parcel, the Secretary of the Army and the Secretary of Agriculture shall enter into a memorandum of understanding providing for the performance by the Secretary of the Army of the required actions identified in the Army assessment. The memorandum of understanding shall be entered into within 90 days after the date on which the Secretary of Agriculture declines immediate transfer of the parcel and shall include a schedule for the completion of the required actions as soon as practicable.

Memorandum.

(2) EVENTUAL TRANSFER.—In the case of a parcel of Arsenal property that the Secretary of Agriculture declines immediate transfer under paragraph (1), the Secretary may accept transfer of the parcel at any time after the original finding with respect to the parcel that all response actions have been taken under CERCLA necessary to protect human health and the environment with respect to any hazardous substance remaining on the property. The Secretary of Agriculture shall accept transfer of the parcel as soon as possible after the date on which all required further actions identified in the assessment have been taken and the terms of any memorandum of understanding have been satisfied.

(e) IDENTIFICATION OF ARSENAL PROPERTY FOR TRANSFER.—

(1) MAP OF PROPOSED TRANSFERS.—The lands subject to transfer to the Secretary of Agriculture under subsections (a) and (b) and section 2916 are depicted on the map dated September 22, 1995, which is on file and available for public inspection at the Office of the Chief of the Forest Service and the Office of the Assistant Secretary of the Army for Installations, Logistics and the Environment.

Federal Register, publication.

(2) METHOD OF EFFECTING TRANSFER.—The Secretary of the Army shall effect the transfer of jurisdiction of Arsenal property under subsections (a) and (b) and section 2916 by publication of notices in the Federal Register. The Secretary of Agriculture shall give prior concurrence to the publication of such notices. Each notice published in the Federal Register shall refer to the parcel being transferred by legal description, references to maps or surveys, or other forms of description mutually acceptable to the Secretary of the Army and the Secretary of Agriculture. The Secretary of the Army shall provide, without reimbursement, to the Secretary of Agriculture copies of all surveys and land title information on lands transferred under this section or section 2916.

(f) SURVEYS.—All costs of necessary surveys for the transfer of jurisdiction of Arsenal property from the Secretary of the Army to the Secretary of Agriculture shall be borne by the Secretary of Agriculture.

### SEC. 2913. RESPONSIBILITY AND LIABILITY.

(a) CONTINUED LIABILITY OF SECRETARY OF THE ARMY.—The transfers of Arsenal property under sections 2912 and 2916, and the requirements of such sections, shall not in any way affect the responsibilities and liabilities of the Secretary of the Army specified in this section. The Secretary of the Army shall retain any obligation or other liability at the Arsenal that the Secretary of the Army has under CERCLA or other environmental laws. Following transfer of a portion of the Arsenal under this subtitle, the Secretary of the Army shall be accorded any easement or access to the property that may be reasonably required by the Secretary to carry out the obligation or satisfy the liability.

(b) SPECIAL PROTECTIONS FOR SECRETARY OF AGRICULTURE.—The Secretary of Agriculture shall not be liable under any environmental law for matters which are related directly or indirectly to activities of the Secretary of the Army at the Arsenal or any party acting under the authority of the Secretary of the Army at the Arsenal, including any of the following:

(1) Costs or performance of response actions required under CERCLA at or related to the Arsenal.

(2) Costs, penalties, fines, or performance of actions related to noncompliance with any environmental law at or related to the Arsenal or related to the presence, release, or threat of release of any hazardous substance, pollutant or contaminant, hazardous waste, or hazardous material of any kind at or related to the Arsenal, including contamination resulting from migration of a hazardous substance, pollutant or contaminant, hazardous waste, hazardous material, or petroleum products or their derivatives.

(3) Costs or performance of actions necessary to remedy noncompliance or another problem specified in paragraph (2).

(c) LIABILITY OF OTHER PERSONS.—Nothing in this title shall be construed to effect, modify, amend, repeal, alter, limit or otherwise change, directly or indirectly, the responsibilities or liabilities under any environmental law of any person (including the Secretary of Agriculture), except as provided in subsection (b) with respect to the Secretary of Agriculture.

(d) PAYMENT OF RESPONSE ACTION COSTS.—A Federal agency that had or has operations at the Arsenal resulting in the release or threatened release of a hazardous substance or pollutant or contaminant for which that agency would be liable under any environmental law, subject to the provisions of this subtitle, shall pay the costs of related response actions and shall pay the costs of related actions to remediate petroleum products or the derivatives of the products, including motor oil and aviation fuel.

(e) CONSULTATION.—

(1) RESPONSIBILITY OF SECRETARY OF AGRICULTURE.—The Secretary of Agriculture shall consult with the Secretary of the Army with respect to the management by the Secretary of Agriculture of real property included in the Midewin National Tallgrass Prairie subject to any response action or other action at the Arsenal being carried out by or under the authority of the Secretary of the Army under any environmental law. The Secretary of Agriculture shall consult with the Secretary of the Army prior to undertaking any activities on the Midewin National Tallgrass Prairie that may disturb the property to ensure that such activities will not exacerbate contamination problems or interfere with performance by the Secretary of the Army of response actions at the property.

(2) RESPONSIBILITY OF SECRETARY OF THE ARMY.—In carrying out response actions at the Arsenal, the Secretary of the Army shall consult with the Secretary of Agriculture to ensure that such actions are carried out in a manner consistent with the purposes for which the Midewin National Tallgrass Prairie is established, as specified in section 2914(c), and the other provisions of sections 2914 and 2915.

National Forest System.
Conservation.
Environmental protection.

### SEC. 2914. ESTABLISHMENT AND ADMINISTRATION OF MIDEWIN NATIONAL TALLGRASS PRAIRIE.

(a) ESTABLISHMENT.—On the effective date of the initial transfer of jurisdiction of portions of the Arsenal to the Secretary of Agriculture under section 2912(a), the Secretary of Agriculture shall establish the Midewin National Tallgrass Prairie. The MNP shall—

(1) be administered by the Secretary of Agriculture; and

(2) consist of the real property so transferred and such other portions of the Arsenal subsequently transferred under section 2912(b) or 2916 or acquired under section 2914(d).

(b) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary of Agriculture shall manage the Midewin National Tallgrass Prairie as a part of the National Forest System in accordance with this title and the laws, rules, and regulations pertaining to the National Forest System, except that the Bankhead-Jones Farm Tenant Act of 1937 (7 U.S.C. 1010–1012) shall not apply to the MNP.

(2) INITIAL MANAGEMENT ACTIVITIES.—In order to expedite the administration and public use of the Midewin National Tallgrass Prairie, the Secretary of Agriculture may conduct management activities at the MNP to effectuate the purposes for which the MNP is established, as set forth in subsection (c), in advance of the development of a land and resource management plan for the MNP.

(3) LAND AND RESOURCE MANAGEMENT PLAN.—In developing a land and resource management plan for the Midewin National Tallgrass Prairie, the Secretary of Agriculture shall consult with the Illinois Department of Natural Resources and local governments adjacent to the MNP and provide an opportunity for public comment. Any parcel transferred to the Secretary of Agriculture under this title after the development of a land and resource management plan for the MNP may be managed in accordance with such plan without need for an amendment to the plan.

(c) PURPOSES OF THE MIDEWIN NATIONAL TALLGRASS PRAIRIE.—The Midewin National Tallgrass Prairie is established to be managed for National Forest System purposes, including the following:

(1) To manage the land and water resources of the MNP in a manner that will conserve and enhance the native populations and habitats of fish, wildlife, and plants.

(2) To provide opportunities for scientific, environmental, and land use education and research.

(3) To allow the continuation of agricultural uses of lands within the MNP consistent with section 2915(b).

(4) To provide a variety of recreation opportunities that are not inconsistent with the preceding purposes.

(d) OTHER LAND ACQUISITION FOR MNP.—

(1) AVAILABILITY OF LAND ACQUISITION FUNDS.—Notwithstanding section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–9), the Secretary of Agriculture may use monies appropriated from the Land and Water Conservation Fund established under section 2 of such Act (16 U.S.C. 460*l*–5) for the acquisition of lands and interests in land for inclusion in the Midewin National Tallgrass Prairie.

(2) ACQUISITION OF LANDS.—The Secretary of Agriculture may acquire lands or interests therein for inclusion in the Midewin National Tallgrass Prairie by donation, purchase, or exchange, except that the acquisition of private lands for inclusion in the MNP shall be on a willing seller basis only.

(e) COOPERATION WITH STATES, LOCAL GOVERNMENTS AND OTHER ENTITIES.—In the management of the Midewin National Tallgrass Prairie, the Secretary of Agriculture is authorized and encouraged to cooperate with appropriate Federal, State and local governmental agencies, private organizations and corporations.

Such cooperation may include cooperative agreements as well as the exercise of the existing authorities of the Secretary under the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101 et seq.) and the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1641 et seq.). The objects of such cooperation may include public education, land and resource protection, and cooperative management among government, corporate, and private landowners in a manner which furthers the purposes for which the Midewin National Tallgrass Prairie is established.

### SEC. 2915. SPECIAL MANAGEMENT REQUIREMENTS FOR MIDEWIN NATIONAL TALLGRASS PRAIRIE.

(a) PROHIBITION AGAINST THE CONSTRUCTION OF NEW THROUGH ROADS.—No new construction of any highway, public road, or any part of the interstate system, whether Federal, State, or local, shall be permitted through or across any portion of the Midewin National Tallgrass Prairie. Nothing in this title shall preclude construction and maintenance of roads for use within the MNP, the granting of authorizations for utility rights-of-way under applicable Federal law, or such access as is necessary. Nothing in this title shall preclude necessary access by the Secretary of the Army for purposes of restoration and cleanup as provided in this title.

(b) AGRICULTURAL LEASES AND SPECIAL USE AUTHORIZATIONS.—Within the Midewin National Tallgrass Prairie, use of the lands for agricultural purposes shall be permitted subject to the following terms and conditions:

(1) If at the time of transfer of jurisdiction under section 2912 or 2916 there exists any lease issued by the Secretary of the Army or the Secretary of Defense for agricultural purposes upon the parcel transferred, the Secretary of Agriculture shall issue a special use authorization to supersede the lease. The terms of the special use authorization shall be identical in substance to the lease that the special use authorization is superseding, including the expiration date and any payments owed the United States. On issuance of the special use authorization, the lease shall become void.

(2) In addition to the authority provided in paragraph (1), the Secretary of Agriculture may issue special use authorizations to persons for use of the Midewin National Tallgrass Prairie for agricultural purposes. Special use authorizations issued pursuant to this paragraph shall include terms and conditions as the Secretary of Agriculture may deem appropriate.

(3) No agricultural special use authorization shall be issued for agricultural purposes which has a term extending beyond the date 20 years from the date of the enactment of this title, except that nothing in this title shall preclude the Secretary of Agriculture from issuing agricultural special use authorizations or grazing permits which are effective after twenty years from the date of enactment of this title for purposes primarily related to erosion control, provision for food and habitat for fish and wildlife, or other resource management activities consistent with the purposes of the Midewin National Tallgrass Prairie.

(c) TREATMENT OF RENTAL FEES.—Monies received under a special use authorization issued under subsection (b) shall be subject to distribution to the State of Illinois and affected counties pursuant to the Act of May 23, 1908, and section 13 of the Act of March 1, 1911 (16 U.S.C. 500). All monies not distributed pursuant to such Acts shall be covered into the Treasury and shall constitute a special fund (to be known as the "MNP Rental Fee Account"). The Secretary of Agriculture may use amounts in the fund, until expended and without fiscal year limitation, to cover the cost to the United States of prairie improvement work at the Midewin National Tallgrass Prairie. Any amounts in the fund that the Secretary of Agriculture determines to be in excess of the cost of doing such work shall be transferred, upon such determination, to miscellaneous receipts, Forest Service Fund, as a National Forest receipt of the fiscal year in which the transfer is made.

Nomenclature.

(d) USER FEES.—The Secretary of Agriculture is authorized to charge reasonable fees for the admission, occupancy, and use of the Midewin National Tallgrass Prairie and may prescribe a fee schedule providing for reduced or a waiver of fees for persons or groups engaged in authorized activities including those providing volunteer services, research, or education. The Secretary shall permit admission, occupancy, and use at no additional charge for persons possessing a valid Golden Eagle Passport or Golden Age Passport.

(e) SALVAGE OF IMPROVEMENTS.—The Secretary of Agriculture may sell for salvage value any facilities and improvements which have been transferred to the Secretary pursuant to this title.

Nomenclature.

(f) TREATMENT OF USER FEES AND SALVAGE RECEIPTS.—Monies collected pursuant to subsections (d) and (e) shall be covered into the Treasury and constitute a special fund (to be known as the "Midewin National Tallgrass Prairie Restoration Fund"). The Secretary of Agriculture may use amounts in the fund, in such amounts as are provided in advance in appropriation Acts, for restoration and administration of the Midewin National Tallgrass Prairie including construction of a visitor and education center, restoration of ecosystems, construction of recreational facilities (such as trails), construction of administrative offices, and operation and maintenance of the MNP. The Secretary of Agriculture shall include the MNP among the areas under the jurisdiction of the Secretary selected for inclusion in any cost recovery or any pilot program of the Secretary for the collection, use, and distribution of user fees.

### SEC. 2916. SPECIAL TRANSFER RULES FOR CERTAIN ARSENAL PARCELS INTENDED FOR MNP.

(a) DESCRIPTION OF PARCELS.—The following areas of the Arsenal may be transferred under this section:

(1) Study Area 2, explosive burning ground.
(2) Study Area 3, flashing ground.
(3) Study Area 4, lead azide area.
(4) Study Area 10, toluene tank farms.
(5) Study Area 11, landfill.
(6) Study Area 12, sellite manufacturing area.
(7) Study Area 14, former pond area.
(8) Study Area 15, sewage treatment plan.
(9) Study Area L1, load assemble packing area, group 6
(10) Study Area L4, landfill area.
(11) Study Area L7, group 1.
(12) Study Area L8, group 2.

(13) Study Area L9, group 3.

(14) Study Area L10, group 3A.

(15) Study Area L14, group 4.

(16) Study Area L15, group 5.

(17) Study Area L18, group 8.

(18) Study Area L19, group 9.

(19) Study Area L33, PVC area.

(20) Any other lands proposed for transfer as depicted on the map described in section 2912(e)(1) and not otherwise specifically identified for transfer under this subtitle.

(b) Information Regarding Environmental Condition of arcels; Assessment of Required Actions Under Other nvironmental Laws.—

(1) Information.—Not later than 180 days after the date on which the Secretary of the Army and the Administrator concur in finding that, with respect to a parcel of Arsenal property described in subsection (a), all response actions have been taken under CERCLA necessary to protect human health and the environment with respect to any hazardous substance remaining on the parcel, the Secretary of the Army and the Administrator shall provide to the Secretary of Agriculture all information that exists on such date regarding the environmental condition of the parcel and the implementation of any response action, including information regarding the effectiveness of the response action.

(2) Assessment.—At the same time as information is provided under paragraph (1) with regard to a parcel of Arsenal property described in subsection (a), the Secretary of the Army shall provide to the Secretary of Agriculture an assessment, based on information in existence at the time the assessment is provided, indicating what further action, if any, is required under any environmental law (other than CERCLA) with respect to the parcel.

(3) Submission of additional information.—The Secretary of the Army and the Administrator shall have a continuing obligation to provide to the Secretary of Agriculture any additional information regarding the environmental condition of a parcel of the Arsenal property described in subsection (a) as such information becomes available.

(c) Offer of Transfer.—Not later than 180 days after the te on which information is provided under subsection (b)(1) with gard to a parcel of the Arsenal property described in subsection ), the Secretary of the Army shall offer the Secretary of Agrilture the option of accepting a transfer of the parcel, without imbursement, to be added to the Midewin National Tallgrass airie. The transfer shall be subject to the terms and conditions this subtitle, including the liability provisions contained in section 13. The Secretary of Agriculture has the option to accept or cline the offered transfer. The transfer of property under this ction may be made on a parcel-by-parcel basis.

(d) Effect of Environmental Assessment.—

(1) Authority of secretary of agriculture to decline transfer.—If a parcel of Arsenal property described in subsection (a) includes property for which the assessment under subsection (b)(2) concludes further action is required under any other environmental law, the Secretary of Agriculture may decline any transfer of the parcel. Alternatively, the Secretary

Memorandum.

of Agriculture may decline immediate transfer of the parce and enter into a memorandum of understanding with the Secretary of the Army providing for the performance by the Secretary of the Army of the required actions identified in th Army assessment with respect to the parcel. The memorandum of understanding shall be entered into within 90 days, or such later date as the Secretaries may establish, after the date on which the Secretary of Agriculture declines immediate transfer of the parcel and shall include a schedule for the completion of the required actions as soon as practicable.

(2) EVENTUAL TRANSFER.—The Secretary of Agriculture may accept or decline at any time for any reason the transfe of a parcel covered by this section. However, if the Secretar of Agriculture and the Secretary of the Army enter into memorandum of understanding under paragraph (1) providin for transfer of the parcel, the Secretary of Agriculture shal accept transfer of the parcel as soon as possible after th date on which all required further actions identified in th assessment have been taken and the requirements of the memorandum of understanding have been satisfied.

(e) RULE OF CONSTRUCTION REGARDING CONCURRENCES.—Fo the purpose of the reaching the concurrence required by subsectio (b)(1), if a response action requires construction and installatio of an approved remedial design, the response action shall be considered to have been taken when the construction and installatio of the approved remedial design is completed and the remedy i demonstrated to the satisfaction of the Administrator to be operating properly and successfully.

(f) INCLUSIONS AND EXCEPTIONS.—

(1) INCLUSIONS.—The parcels of Arsenal property describe in subsection (a) shall include all associated inventoried buildings and structures as identified in the Joliet Army Ammunitio Plant Plantwide Building and Structures Report and th contaminate study sites for both the manufacturing and loa assembly and packing sites of the Arsenal as shown in th Dames and Moore Final Report, Phase 2 Remedial Investigatio Manufacturing (MFG) Area Joliet Army Ammunition Plan Joliet, Illinois (May 30, 1993, Contract No. DAAA15–90–D0015 task order No. 6 prepared for the United States Arm Environmental Center).

(2) EXCEPTION.—The parcels described in subsection ( shall not include the property at the Arsenal designated fo transfer or conveyance under subtitle B.

## Subtitle B—Other Land Conveyances Involving Joliet Army Ammunition Plant

### SEC. 2921. CONVEYANCE OF CERTAIN REAL PROPERTY AT ARSENA FOR A NATIONAL CEMETERY.

(a) CONVEYANCE AUTHORIZED.—Subject to section 2931, th Secretary of the Army may transfer, without reimbursement, the Secretary of Veterans Affairs the parcel of real property the Arsenal described in subsection (b) for use as a national cemetery operated as part of the National Cemetery System of th Department of Veterans Affairs under chapter 24 of title 38, Unite States Code.

(b) DESCRIPTION OF PROPERTY.—The real property authorized o be transferred under subsection (a) is a parcel of real property t the Arsenal consisting of approximately 982 acres, the approximate legal description of which includes part of sections 30 and 1, Jackson Township, Township 34 North, Range 10 East, and art of sections 25 and 36, Channahon Township, Township 34 North, Range 10 East, Will County, Illinois, as depicted in the Arsenal land use concept.

(c) SECURITY MEASURES.—The Secretary of Veterans Affairs hall provide and maintain physical and other security measures n the real property transferred under subsection (a). Such security measures (which may include fences and natural barriers) shall nclude measures to prevent members of the public from gaining nauthorized access to the portion of the Arsenal that is under he administrative jurisdiction of the Secretary of Veterans Affairs nd that may endanger health or safety.

(d) SURVEYS.—All costs of necessary surveys for the transfer f jurisdiction of Arsenal properties from the Secretary of the Army o the Secretary of Veterans Affairs shall be borne solely by the Secretary of Veterans Affairs.

### EC. 2922. CONVEYANCE OF CERTAIN REAL PROPERTY AT ARSENAL FOR A COUNTY LANDFILL.

(a) CONVEYANCE AUTHORIZED.—Subject to section 2931, the Secretary of the Army may convey, without compensation, to Will County, Illinois, all right, title, and interest of the United States n and to the parcel of real property at the Arsenal described n subsection (b), which shall be operated as a landfill by the County.

(b) DESCRIPTION OF PROPERTY.—The real property authorized o be conveyed under subsection (a) is a parcel of real property t the Arsenal consisting of approximately 455 acres, the approximate legal description of which includes part of sections 8, 9, 6, and 17, Florence Township, Township 33 North, Range 10 East, Will County, Illinois, as depicted in the Arsenal land use oncept.

(c) CONDITION ON CONVEYANCE.—The conveyance shall be subject to the condition that the Department of the Army, the Department of Veterans Affairs, and the Department of Agriculture (or heir agents or assigns) may use the landfill established on the eal property conveyed under subsection (a) for the disposal of onstruction debris, refuse, and other materials related to any res- oration and cleanup of Arsenal property. Such use shall be subject o applicable environmental laws and at no cost to the Federal Government.

(d) REVERSIONARY INTEREST.—If, at the end of the five-year eriod beginning on the date of the conveyance under subsection a), the Secretary of Agriculture determines that the conveyed prop- rty is not opened for operation as a landfill, then, at the option f the Secretary of Agriculture, all right, title, and interest in nd to the property, including improvements thereon, shall revert o the United States. Upon any such reversion, the property shall e included in the Midewin National Tallgrass Prairie. In the vent the United States exercises its option to cause the property o revert, the United States shall have the right of immediate ntry onto the property.

(e) INFORMATION REGARDING ENVIRONMENTAL CONDITIONS.- At the request of the Secretary of Agriculture, Will County, th Secretary of the Army, and the Administrator shall provide t the Secretary of Agriculture all information in their possessio at the time of the request regarding the environmental conditio of the real property to be conveyed under this section. The liabilit and responsibility of any person under any environmental la shall remain unchanged with respect to the landfill, except a provided in this title, including section 2913.

(f) SURVEYS.—All costs of necessary surveys for the conveyanc of real property under this section shall be borne by Will Count Illinois.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of th Army may require such additional terms and conditions in conne tion with the conveyance under this section as the Secretary the Army considers appropriate to protect the interests of th United States.

### SEC. 2923. CONVEYANCE OF CERTAIN REAL PROPERTY AT ARSENA FOR INDUSTRIAL PARKS.

(a) CONVEYANCE AUTHORIZED.—Subject to section 2931, th Secretary of the Army may convey to the State of Illinois, a right, title, and interest of the United States in and to the parcel of real property at the Arsenal described in subsection (b), whic shall be used as industrial parks to replace all or a part of th economic activity lost at the Arsenal.

(b) DESCRIPTION OF PROPERTY.—The real property at th Arsenal authorized to be transferred under subsection (a) consist of the following parcels:

(1) A parcel of approximately 1,900 acres, the approximat legal description of which includes part of section 30, Jackso Township, Township 34 North, Range 10 East, and section or parts of sections 24, 25, 26, 35, and 36, Township 34 Nort Range 9 East, in Channahon Township, an area of 9.77 acr around the Des Plaines River Pump Station located in th southeast quarter of section 15, Township 34 North, Rang 9 East of the Third Principal Meridian, in Channahon Tow ship, and an area of 511 feet by 596 feet around the Kankak River Pump Station in the Northwest Quarter of section Township 33 North, Range 9 East, east of the Third Princip Meridian in Wilmington Township, containing 6.99 acre located along the easterly side of the Kankakee Cut-Off i Will County, Illinois, as depicted in the Arsenal land use co cept, and the connecting piping to the northern industrial sit as described by the United States Army Report of Availabilit dated 13 December 1993.

(2) A parcel of approximately 1,100 acres, the approximat legal description of which includes part of sections 16, 1 and 18 in Florence Township, Township 33 North, Range 1 East, Will County, Illinois, as depicted in the Arsenal lan use concept.

(c) CONSIDERATION.—

(1) DELAY IN PAYMENT OF CONSIDERATION.—After the en of the 20-year period beginning on the date on which th conveyance under subsection (a) is completed, the State Illinois shall pay to the United States an amount equal

fair market value of the conveyed property as of the time of the conveyance.

(2) Effect of reconveyance by state.—If the State of Illinois reconveys all or any part of the conveyed property during such 20-year period, the State shall pay to the United States an amount equal to the fair market value of the reconveyed property as of the time of the reconveyance, excluding the value of any improvements made to the property by the State.

(3) Determination of fair market value.—The Secretary of the Army shall determine fair market value in accordance with Federal appraisal standards and procedures.

(4) Treatment of leases.—The Secretary of the Army may treat a lease of the property within such 20-year period as a reconveyance if the Secretary determines that the lease is being used to avoid application of paragraph (2).

(5) Deposit of proceeds.—The Secretary of the Army shall deposit any proceeds received under this subsection in the special account established pursuant to section 204(h)(2) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(h)(2)).

(d) Conditions of Conveyance.—

(1) Redevelopment authority.—The conveyance under subsection (a) shall be subject to the condition that the Governor of the State of Illinois, in consultation with the Mayor of the Village of Elwood, Illinois, and the Mayor of the City of Wilmington, Illinois, establish a redevelopment authority to be responsible for overseeing the development of the industrial parks on the conveyed property.

(2) Time for establishment.—To satisfy the condition specified in paragraph (1), the redevelopment authority shall be established within one year after the date of the enactment of this title.

(e) Surveys.—All costs of necessary surveys for the conveyance f real property under this section shall be borne by the State f Illinois.

(f) Additional Terms and Conditions.—The Secretary of the rmy may require such additional terms and conditions in connecion with the conveyance under this section as the Secretary considrs appropriate to protect the interests of the United States.

## Subtitle C—Miscellaneous Provisions

### EC. 2931. DEGREE OF ENVIRONMENTAL CLEANUP.

(a) In General.—Nothing in this title shall be construed to estrict or lessen the degree of cleanup at the Arsenal required o be carried out under provisions of any environmental law.

(b) Response Action.—The establishment of the Midewin ational Tallgrass Prairie under subtitle A and the additional eal property transfers or conveyances authorized under subtitle shall not restrict or lessen in any way any response action r degree of cleanup under CERCLA or other environmental law, r any action required under any environmental law to remediate etroleum products or their derivatives (including motor oil and viation fuel), required to be carried out under the authority of ne Secretary of the Army at the Arsenal and surrounding areas.

(c) Environmental Quality of Property.—Any contract fo sale, deed, or other transfer of real property under subtitle I shall be carried out in compliance with all applicable provision of section 120(h) of CERCLA and other environmental laws.

#### SEC. 2932. RETENTION OF PROPERTY USED FOR ENVIRONMENTA CLEANUP.

(a) Retention of Certain Property.—Unless and until th Arsenal property described in this subsection is actually transferre or conveyed under this title or other applicable law, the Secretar of the Army may retain jurisdiction, authority, and control ove real property at the Arsenal to be used for—

(1) water treatment;

(2) the treatment, storage, or disposal of any hazardou substance, pollutant or contaminant, hazardous material, o petroleum products or their derivatives;

(3) other purposes related to any response action at th Arsenal; and

(4) other actions required at the Arsenal under any enviror mental law to remediate contamination or conditions of nor compliance with any environmental law.

(b) Conditions.—The Secretary of the Army shall consult wit the Secretary of Agriculture regarding the identification an management of the real property retained under this section an ensure that activities carried out on that property are consisten to the extent practicable, with the purposes for which the Midewi National Tallgrass Prairie is established, as specified in sectio 2914(c), and with the other provisions of sections 2914 and 291

(c) Priority of Response Actions.—In the case of any conflic between management of the property by the Secretary of Agr culture and any response action required under CERCLA, or an other action required under any other environmental law, includin actions to remediate petroleum products or their derivatives, th response action or other action shall take priority.

# DIVISION C—DEPARTMENT OF ENERG NATIONAL SECURITY AUTHORIZA TIONS AND OTHER AUTHORIZATIONS

## TITLE XXXI—DEPARTMENT OF ENERG NATIONAL SECURITY PROGRAMS

### Subtitle A—National Security Programs Authorizations

#### SEC. 3101. WEAPONS ACTIVITIES.

(a) Stockpile Stewardship.—Subject to subsection (d), func are hereby authorized to be appropriated to the Department Energy for fiscal year 1996 for stockpile stewardship in carryir out weapons activities necessary for national security progran in the amount of $1,567,175,000, to be allocated as follows:

(1) For core stockpile stewardship, $1,159,708,000, to allocated as follows:

(A) For operation and maintenance, $1,078,403,000.

(B) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $81,305,000, to be allocated as follows:

Project 96–D–102, stockpile stewardship facilities revitalization, Phase VI, various locations, $2,520,000.

Project 96–D–103, ATLAS, Los Alamos National Laboratory, Los Alamos, New Mexico, $8,400,000.

Project 96–D–104, processing and environmental technology laboratory (PETL), Sandia National Laboratories, Albuquerque, New Mexico, $1,800,000.

Project 96–D–105, contained firing facility addition, Lawrence Livermore National Laboratory, Livermore, California, $6,600,000.

Project 95–D–102, Chemical and Metallurgy Research Building upgrades project, Los Alamos National Laboratory, Los Alamos, New Mexico, $9,940,000.

Project 94–D–102, nuclear weapons research, development, and testing facilities revitalization, Phase V, various locations, $12,200,000.

Project 93–D–102, Nevada support facility, North Las Vegas, Nevada, $15,650,000.

Project 90–D–102, nuclear weapons research, development, and testing facilities revitalization, Phase III, various locations, $6,200,000.

Project 88–D–106, nuclear weapons research, development, and testing facilities revitalization, Phase II, various locations, $17,995,000.

(2) For inertial fusion, $240,667,000, to be allocated as follows:

(A) For operation and maintenance, $203,267,000.

(B) For the following plant project (including maintenance, restoration, planning, construction, acquisition, and modification of facilities, and land acquisition related thereto), $37,400,000:

Project 96–D–111, national ignition facility, location to be determined, $37,400,000.

(3) For technology transfer and education, $160,000,000.

(4) For Marshall Islands, $6,800,000.

(b) STOCKPILE MANAGEMENT.—Subject to subsection (d), funds re hereby authorized to be appropriated to the Department of nergy for fiscal year 1996 for stockpile management in carrying ut weapons activities necessary for national security programs the amount of $2,025,083,000, to be allocated as follows:

(1) For operation and maintenance, $1,911,458,000.

(2) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $113,625,000, to be allocated as follows:

Project 96–D–122, sewage treatment quality upgrade (STQU), Pantex Plant, Amarillo, Texas, $600,000.

Project 96–D–123, retrofit heating, ventilation, and ai conditioning and chillers for ozone protection, Y–12 Plant Oak Ridge, Tennessee, $3,100,000.

Project 96–D–125, Washington measurements operations facility, Andrews Air Force Base, Camp Springs Maryland, $900,000.

Project 96–D–126, tritium loading line modifications Savannah River Site, South Carolina, $12,200,000.

Project 95–D–122, sanitary sewer upgrade, Y–12 Plant Oak Ridge, Tennessee, $6,300,000.

Project 94–D–124, hydrogen fluoride supply system Y–12 Plant, Oak Ridge, Tennessee, $8,700,000.

Project 94–D–125, upgrade life safety, Kansas Cit Plant, Kansas City, Missouri, $5,500,000.

Project 94–D–127, emergency notification system Pantex Plant, Amarillo, Texas, $2,000,000.

Project 94–D–128, environmental safety and healt analytical laboratory, Pantex Plant, Amarillo, Texas $4,000,000.

Project 93–D–122, life safety upgrades, Y–12 Plant Oak Ridge, Tennessee, $7,200,000.

Project 93–D–123, complex–21, various locations $41,065,000.

Project 88–D–122, facilities capability assurance program, various locations, $8,660,000.

Project 88–D–123, security enhancement, Pante Plant, Amarillo, Texas, $13,400,000.

(c) PROGRAM DIRECTION.—Subject to subsection (d), funds ar hereby authorized to be appropriated to the Department of Energ for fiscal year 1996 for program direction in carrying out weapon activities necessary for national security programs in the amoun of $115,000,000.

(d) ADJUSTMENTS.—The total amount authorized to be appropriated pursuant to this section is the sum of the amounts authorized to be appropriated in subsections (a) through (c) reduced b the sum of—

(1) $37,200,000, for savings resulting from procuremen reform; and

(2) $209,744,000, for use of prior year balances.

### SEC. 3102. ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT.

(a) ENVIRONMENTAL RESTORATION.—Subject to subsection (h funds are hereby authorized to be appropriated to the Departmen of Energy for fiscal year 1996 for environmental restoration i carrying out environmental restoration and waste managemen activities necessary for national security programs in the amour of $1,635,973,000.

(b) WASTE MANAGEMENT.—Subject to subsection (h), funds ar hereby authorized to be appropriated to the Department of Energ for fiscal year 1996 for waste management in carrying out environmental restoration and waste management activities necessary fc national security programs in the amount of $2,470,598,000, t be allocated as follows:

(1) For operation and maintenance, $2,295,994,000.

(2) For plant projects (including maintenance, restoratio planning, construction, acquisition, modification of facilitie

and the continuation of projects authorized in prior years, and land acquisition related thereto), $174,604,000, to be allocated as follows:

Project 96–D–406, spent nuclear fuels canister storage and stabilization facility, Richland, Washington, $42,000,000.

Project 96–D–407, mixed waste/low-level waste treatment projects, Rocky Flats Plant, Golden, Colorado, $2,900,000.

Project 96–D–408, waste management upgrades, various locations, $5,615,000.

Project 95–D–402, install permanent electrical service, Waste Isolation Pilot Plant, Carlsbad, New Mexico, $4,314,000.

Project 95–D–405, industrial landfill V and construction/demolition landfill VII, Phase III, Y–12 Plant, Oak Ridge, Tennessee, $4,600,000.

Project 95–D–406, road 5–01 reconstruction, area 5, Nevada Test Site, Nevada, $1,023,000.

Project 95–D–407, 219–S secondary containment upgrade, Richland Washington, $1,000,000.

Project 94–D–400, high explosive wastewater treatment system, Los Alamos National Laboratory, Los Alamos, New Mexico, $4,445,000.

Project 94–D–402, liquid waste treatment system, Nevada Test Site, Nevada, $282,000.

Project 94–D–404, Melton Valley storage tank capacity increase, Oak Ridge National Laboratory, Oak Ridge, Tennessee, $11,000,000.

Project 94–D–407, initial tank retrieval systems, Richland, Washington, $12,000,000.

Project 94–D–411, solid waste operation complex, Richland, Washington, $6,606,000.

Project 93–D–178, building 374 liquid waste treatment facility, Rocky Flats Plant, Golden, Colorado, $3,900,000.

Project 93–D–181, radioactive liquid waste line replacement, Richland, Washington, $5,000,000.

Project 93–D–182, replacement of cross-site transfer system, Richland, Washington, $19,795,000.

Project 93–D–187, high-level waste removal from filled waste tanks, Savannah River Site, South Carolina, $19,700,000.

Project 92–D–171, mixed waste receiving and storage facility, Los Alamos National Laboratory, Los Alamos, New Mexico, $1,105,000.

Project 92–D–188, waste management environmental, safety and health (ES&H) and compliance activities, various locations, $1,100,000.

Project 90–D–172, aging waste transfer lines, Richland, Washington, $2,000,000.

Project 90–D–177, RWMC transuranic (TRU) waste characterization and storage facility, Idaho National Engineering Laboratory, Idaho, $1,428,000.

Project 90–D–178, TSA retrieval enclosure, Idaho National Engineering Laboratory, Idaho, $2,606,000.

Project 89–D–173, tank farm ventilation upgrade, Richland, Washington, $800,000.

Project 89–D–174, replacement high-level waste evap rator, Savannah River Site, Aiken, South Carolin $11,500,000.

Project 86–D–103, decontamination and waste trea ment facility, Lawrence Livermore National Laborator Livermore, California, $8,885,000.

Project 83–D–148, nonradioactive hazardous wast management, Savannah River Site, Aiken, South Carolin $1,000,000.

(c) Technology Development.—Subject to subsection (h funds are hereby authorized to be appropriated to the Departme of Energy for fiscal year 1996 for technology development in carr ing out environmental restoration and waste management activiti necessary for national security programs in the amount $440,510,000.

(d) Transportation Management.—Subject to subsection (h funds are hereby authorized to be appropriated to the Departme of Energy for fiscal year 1996 for transportation management i carrying out environmental restoration and waste manageme activities necessary for national security programs in the amou of $13,158,000.

(e) Nuclear Materials and Facilities Stabilization.—Su ject to subsection (h), funds are hereby authorized to be appr priated to the Department of Energy for fiscal year 1996 for nucle materials and facilities stabilization in carrying out environment restoration and waste management activities necessary for nation security programs in the amount of $1,561,854,000 to be allocat as follows:

(1) For operation and maintenance, $1,447,108,000.

(2) For plant projects (including maintenance, restoratio planning, construction, acquisition, modification of facilitie and the continuation of projects authorized in prior years, ar land acquisition related thereto), $114,746,000, to be allocat as follows:

Project 96–D–457, thermal treatment system, Richlar Washington, $1,000,000.

Project 96–D–458, site drainage control, Mound Plar Miamisburg, Ohio, $885,000.

Project 96–D–461, electrical distribution upgrad Idaho National Engineering Laboratory, Idaho, $1,539,00

Project 96–D–464, electrical and utility systen upgrade, Idaho Chemical Processing Plant, Idaho Nation Engineering Laboratory, Idaho, $4,952,000.

Project 96–D–468, residue elimination project, Rocl Flats Plant, Golden, Colorado, $33,100,000.

Project 96–D–471, chlorofluorocarbon heating, ventil tion, and air conditioning and chiller retrofit, Savann River Site, Aiken, South Carolina, $1,500,000.

Project 95–D–155, upgrade site road infrastructur Savannah River Site, South Carolina, $2,900,000.

Project 95–D–156, radio trunking system, Savann River Site, South Carolina, $6,000,000.

Project 95–D–454, 324 facility compliance/renovatio Richland, Washington, $3,500,000.

Project 95–D–456, security facilities upgrade, Idal Chemical Processing Plant, Idaho National Engineeri Laboratory, Idaho, $8,382,000.

Project 94–D–122, underground storage tanks, Rocky Flats Plant, Golden, Colorado, $5,000,000.

Project 94–D–401, emergency response facility, Idaho National Engineering Laboratory, Idaho, $5,074,000.

Project 94–D–412, 300 area process sewer piping upgrade, Richland, Washington, $1,000,000.

Project 94–D–415, medical facilities, Idaho National Engineering Laboratory, Idaho, $3,601,000.

Project 94–D–451, infrastructure replacement, Rocky Flats Plant, Golden, Colorado, $2,940,000.

Project 93–D–147, domestic water system upgrade, Phase I and II, Savannah River Site, Aiken, South Carolina, $7,130,000.

Project 92–D–123, plant fire/security alarm systems replacement, Rocky Flats Plant, Golden, Colorado, $9,560,000.

Project 92–D–125, master safeguards and security agreement/materials surveillance task force security upgrades, Rocky Flats Plant, Golden, Colorado, $7,000,000.

Project 92–D–181, fire and life safety improvements, Idaho National Engineering Laboratory, Idaho, $6,883,000.

Project 91–D–127, criticality alarm and plant annunciation utility replacement, Rocky Flats Plant, Golden, Colorado, $2,800,000.

(f) COMPLIANCE AND PROGRAM COORDINATION.—Subject to subection (h), funds are hereby authorized to be appropriated to the epartment of Energy for fiscal year 1996 for compliance and rogram coordination in carrying out environmental restoration nd waste management activities necessary for national security rograms in the amount of $46,251,000, to be allocated as follows:

(1) For operation and maintenance, $31,251,000.

(2) For the following plant project (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of a project authorized in prior years, and land acquisition related thereto):

Project 95–E–600, hazardous materials training center, Richland, Washington, $15,000,000.

(g) ANALYSIS, EDUCATION, AND RISK MANAGEMENT.—Subject o subsection (h), funds are hereby authorized to be appropriated o the Department of Energy for fiscal year 1996 for analysis, ducation, and risk management in carrying out environmental estoration and waste management activities necessary for national ecurity programs in the amount of $78,522,000.

(h) ADJUSTMENTS.—The total amount authorized to be appropriated pursuant to this section is the sum of the amounts specified n subsections (a) through (g) reduced by the sum of—

(1) $652,334,000, for use of prior year balances; and

(2) $37,000,000, for Savannah River Pension Refund.

### EC. 3103. OTHER DEFENSE ACTIVITIES.

(a) OTHER DEFENSE ACTIVITIES.—Subject to subsection (b), nds are hereby authorized to be appropriated to the Department f Energy for fiscal year 1996 for other defense activities in carrying ut programs necessary for national security in the amount of 1,351,975,600, to be allocated as follows:

(1) For verification and control technology, $428,205,600, to be allocated as follows:

(A) For nonproliferation and verification research an development, $224,905,000.

(B) For arms control, $160,964,600.

(C) For intelligence, $42,336,000.

(2) For nuclear safeguards and security, $83,395,000.

(3) For security investigations, $20,000,000.

(4) For security evaluations, $14,707,000.

(5) For the Office of Nuclear Safety, $17,679,000.

(6) For worker and community transition assistanc $82,500,000.

(7) For fissile materials disposition, $70,000,000.

(8) For emergency management, $23,321,000.

(9) For naval reactors development, $682,168,000, to b allocated as follows:

(A) For operation and infrastructure, $652,568,000.

(B) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification o facilities, and the continuation of projects authorized i prior years, and land acquisition related thereto $29,600,000, to be allocated as follows:

Project GPN–101, general plant projects, variou locations, $6,600,000.

Project 95–D–200, laboratory systems and hot cel upgrades, various locations, $11,300,000.

Project 95–D–201, advanced test reactor radio active waste system upgrades, Idaho Nationa Engineering Laboratory, Idaho, $4,800,000.

Project 93–D–200, engineering services facilitie Knolls Atomic Power Laboratory, Niskayuna, Ne York, $3,900,000.

Project 90–N–102, expended core facility dry ce project, Naval Reactors Facility, Idaho, $3,000,000.

(b) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to this section is the amount authorized to b appropriated in subsection (a) reduced by $70,000,000, for use c prior year balances.

### SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1996 for payment to the Nuclea Waste Fund established in section 302(c) of the Nuclear Wast Policy Act of 1982 (42 U.S.C. 10222(c)) in the amount c $248,400,000.

## Subtitle B—Recurring General Provisions

### SEC. 3121. REPROGRAMMING.

(a) IN GENERAL.—Until the Secretary of Energy submits t the congressional defense committees the report referred to in subsection (b) and a period of 30 days has elapsed after the dat on which such committees receive the report, the Secretary ma not use amounts appropriated pursuant to this title for any program—

(1) in amounts that exceed, in a fiscal year—

(A) 110 percent of the amount authorized for tha program by this title; or

(B) $1,000,000 more than the amount authorized for that program by this title; or

(2) which has not been presented to, or requested of, Congress.

(b) REPORT.—(1) The report referred to in subsection (a) is report containing a full and complete statement of the action roposed to be taken and the facts and circumstances relied upon support of such proposed action.

(2) In the computation of the 30-day period under subsection ), there shall be excluded any day on which either House of ongress is not in session because of an adjournment of more an 3 days to a day certain.

(c) LIMITATIONS.—(1) In no event may the total amount of nds obligated pursuant to this title exceed the total amount thorized to be appropriated by this title.

(2) Funds appropriated pursuant to this title may not be used r an item for which Congress has specifically denied funds.

### EC. 3122. LIMITS ON GENERAL PLANT PROJECTS.

(a) IN GENERAL.—The Secretary of Energy may carry out any nstruction project under the general plant projects authorized y this title if the total estimated cost of the construction project es not exceed $2,000,000.

(b) REPORT TO CONGRESS.—If, at any time during the construc-on of any general plant project authorized by this title, the esti-ated cost of the project is revised because of unforeseen cost ariations and the revised cost of the project exceeds $2,000,000, e Secretary shall immediately furnish a complete report to the ngressional defense committees explaining the reasons for the st variation.

### EC. 3123. LIMITS ON CONSTRUCTION PROJECTS.

(a) IN GENERAL.—(1) Except as provided in paragraph (2), nstruction on a construction project may not be started or addi-onal obligations incurred in connection with the project above e total estimated cost, whenever the current estimated cost of e construction project, which is authorized by section 3101, 3102, 3103, or which is in support of national security programs of e Department of Energy and was authorized by any previous ct, exceeds by more than 25 percent the higher of—

(A) the amount authorized for the project; or

(B) the amount of the total estimated cost for the project as shown in the most recent budget justification data submitted to Congress.

Reports.

(2) An action described in paragraph (1) may be taken if—

(A) the Secretary of Energy has submitted to the congressional defense committees a report on the actions and the circumstances making such action necessary; and

(B) a period of 30 days has elapsed after the date on which the report is received by the committees.

(3) In the computation of the 30-day period under paragraph ), there shall be excluded any day on which either House of ongress is not in session because of an adjournment of more an 3 days to a day certain.

(b) EXCEPTION.—Subsection (a) shall not apply to any construc-on project which has a current estimated cost of less than 5,000,000.

### SEC. 3124. FUND TRANSFER AUTHORITY.

(a) TRANSFER TO OTHER FEDERAL AGENCIES.—The Secretary of Energy may transfer funds authorized to be appropriated to the Department of Energy pursuant to this title to other Federal agencies for the performance of work for which the funds were authorized. Funds so transferred may be merged with and be available for the same purposes and for the same period as the authorizations of the Federal agency to which the amounts are transferred.

(b) TRANSFER WITHIN DEPARTMENT OF ENERGY; LIMITATIONS.—(1) Subject to paragraph (2), the Secretary of Energy may transfer funds authorized to be appropriated to the Department of Energy pursuant to this title between any such authorizations. Amounts of authorizations so transferred may be merged with and be available for the same purposes and for the same period as the authorization to which the amounts are transferred.

(2) Not more than five percent of any such authorization may be transferred between authorizations under paragraph (1). No such authorization may be increased or decreased by more than five percent by a transfer under such paragraph.

(3) The authority provided by this section to transfer authorizations—

(A) may only be used to provide funds for items relating to weapons activities necessary for national security programs that have a higher priority than the items from which the funds are transferred; and

(B) may not be used to provide authority for an item that has been denied funds by Congress.

(c) NOTICE TO CONGRESS.—The Secretary of Energy shall promptly notify the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives of any transfer of funds to or from authorizations under this title.

### SEC. 3125. AUTHORITY FOR CONCEPTUAL AND CONSTRUCTION DESIGN.

(a) REQUIREMENT FOR CONCEPTUAL DESIGN.—(1) Subject to paragraph (2) and except as provided in paragraph (3), before submitting to Congress a request for funds for a construction project that is in support of a national security program of the Department of Energy, the Secretary of Energy shall complete a conceptual design for that project.

(2) If the estimated cost of completing a conceptual design for a construction project exceeds $3,000,000, the Secretary shall submit to Congress a request for funds for the conceptual design before submitting a request for funds for the construction project.

(3) The requirement in paragraph (1) does not apply to a request for funds—

(A) for a construction project the total estimated cost o which is less than $2,000,000; or

(B) for emergency planning, design, and construction activities under section 3126.

(b) AUTHORITY FOR CONSTRUCTION DESIGN.—(1) Within the amounts authorized by this title, the Secretary of Energy may carry out construction design (including architectural and engineering services) in connection with any proposed construction project if the total estimated cost for such design does not exceed $600,000

(2) If the total estimated cost for construction design in connec-on with any construction project exceeds $600,000, funds for such esign must be specifically authorized by law.

### EC. 3126. AUTHORITY FOR EMERGENCY PLANNING, DESIGN, AND CONSTRUCTION ACTIVITIES.

(a) AUTHORITY.—The Secretary of Energy may use any funds vailable to the Department of Energy pursuant to an authorization n this title, including those funds authorized to be appropriated or advance planning and construction design under sections 3101, 102, and 3103, to perform planning, design, and construction ctivities for any Department of Energy national security program onstruction project that, as determined by the Secretary, must roceed expeditiously in order to protect public health and safety, o meet the needs of national defense, or to protect property.

Reports.

(b) LIMITATION.—The Secretary may not exercise the authority nder subsection (a) in the case of any construction project until he Secretary has submitted to the congressional defense commit-ees a report on the activities that the Secretary intends to carry ut under this section and the circumstances making such activities ecessary.

(c) SPECIFIC AUTHORITY.—The requirement of section 3125(b)(2) oes not apply to emergency planning, design, and construction ctivities conducted under this section.

### EC. 3127. FUNDS AVAILABLE FOR ALL NATIONAL SECURITY PROGRAMS OF THE DEPARTMENT OF ENERGY.

Subject to the provisions of appropriations Acts and section 121, amounts appropriated pursuant to this title for management nd support activities and for general plant projects are available or use, when necessary, in connection with all national security rograms of the Department of Energy.

### EC. 3128. AVAILABILITY OF FUNDS.

When so specified in an appropriation Act, amounts appro-riated for operation and maintenance or for plant projects may emain available until expended.

## Subtitle C—Program Authorizations, Restrictions, and Limitations

22 USC 5952 note.

### EC. 3131. AUTHORITY TO CONDUCT PROGRAM RELATING TO FISSILE MATERIALS.

(a) AUTHORITY.—The Secretary of Energy may conduct pro-rams designed to improve the protection, control, and accountabil-y of fissile materials in Russia.

(b) SEMI-ANNUAL REPORTS ON OBLIGATION OF FUNDS.—(1) Not ater than 30 days after the date of the enactment of this Act, nd thereafter not later than April 1 and October 1 of each year, he Secretary of Energy shall submit to Congress a report on ach obligation during the preceding six months of funds appro-riated for a program described in subsection (a).

(2) Each such report shall specify—

(A) the activities and forms of assistance for which the Secretary of Energy has obligated funds;

(B) the amount of the obligation;

(C) the activities and forms of assistance for which th Secretary anticipates obligating funds during the six month immediately following the report, and the amount of each suc anticipated obligation; and

(D) the projected involvement (if any) of any departmen or agency of the United States (in addition to the Departmen of Energy) and of the private sector of the United States i the activities and forms of assistance for which the Secretar of Energy has obligated funds referred to in subparagrap (A).

### SEC. 3132. NATIONAL IGNITION FACILITY.

None of the funds authorized to be appropriated pursuan to this title for construction of the National Ignition Facility ma be obligated until—

(1) the Secretary of Energy determines that the construction of the National Ignition Facility will not impede the nuclea nonproliferation objectives of the United States; and

Notification.

(2) the Secretary of Energy notifies the congressiona defense committees of that determination.

42 USC 2121 note.

### SEC. 3133. TRITIUM PRODUCTION PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary of Energ shall establish a tritium production program that is capable c meeting the tritium requirements of the United States for nuclea weapons. In carrying out the tritium production program, the Secretary shall—

(1) complete the tritium supply and recycling environmental impact statement in preparation by the Secretary a of the date of the enactment of this Act; and

(2) assess alternative means for tritium production, including production through—

(A) types of new and existing reactors, including mult purpose reactors (such as advanced light water reactor and gas turbine gas-cooled reactors) capable of meetin both the tritium production requirements and the pluto nium disposition requirements of the United States fo nuclear weapons;

(B) an accelerator; and

(C) multipurpose reactor projects carried out by th private sector and the Government.

(b) FUNDING.—Of funds authorized to be appropriated to th Department of Energy pursuant to section 3101, not more tha $50,000,000 shall be available for the tritium production progra established pursuant to subsection (a).

South Carolina.

(c) LOCATION OF TRITIUM PRODUCTION FACILITY.—The Secretar shall locate any new tritium production facility of the Departme of Energy at the Savannah River Site, South Carolina.

(d) COST-BENEFIT ANALYSIS.—(1) The Secretary shall includ in the statements referred to in paragraph (2) a comparison the costs and benefits of carrying out two projects for the separat performance of the tritium production mission of the Departme and the plutonium disposition mission of the Department wit the costs and benefits of carrying out one multipurpose proje for the performance of both such missions.

(2) The statements referred to in paragraph (1) are—

(A) the environmental impact statement referred to in subsection (a)(1);

(B) the plutonium disposition environmental impact statement in preparation by the Secretary as of the date of the enactment of this Act; and

(C) assessments related to the environmental impact statements referred to in subparagraphs (A) and (B).

(e) REPORT.—Not later than 45 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the tritium production program established pursuant to subsection (a). The report shall include a specification of—

(1) the planned expenditures of the Department during fiscal year 1996 for any of the alternative means for tritium production assessed under subsection (a)(2);

(2) the amount of funds required to be expended by the Department, and the program milestones (including feasibility demonstrations) required to be met, during fiscal years 1997 through 2001 to ensure tritium production beginning not later than 2005 that is adequate to meet the tritium requirements of the United States for nuclear weapons; and

(3) the amount of such funds to be expended and such program milestones to be met during such fiscal years to ensure such tritium production beginning not later than 2011.

(f) TRITIUM TARGETS.—Of the funds made available pursuant to subsection (b), not more than $5,000,000 shall be available for the Idaho National Engineering Laboratory for the test and development of nuclear reactor tritium targets for the types of reactors assessed under subsection (a)(2)(A).

### SEC. 3134. PAYMENT OF PENALTIES.

The Secretary of Energy may pay to the Hazardous Substance Superfund established under section 9507 of the Internal Revenue Code of 1986 (26 U.S.C. 9507), from funds appropriated to the Department of Energy for environmental restoration and waste management activities pursuant to section 3102, stipulated civil penalties in the amount of $350,000 assessed under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) against the Rocky Flats Site, Colorado.

### SEC. 3135. FISSILE MATERIALS DISPOSITION.

(a) IN GENERAL.—Of the funds authorized to be appropriated to the Department of Energy for fiscal year 1996 pursuant to section 3103, $70,000,000 shall be available only for purposes of completing the evaluation of, and commencing implementation of, the interim- and long-term storage and disposition (including storage and disposition through the use of advanced light water reactors and gas turbine gas-cooled reactors) of fissile materials (including plutonium, highly enriched uranium, and other fissile materials) that are excess to the national security needs of the United States.

(b) AVAILABILITY OF FUNDS FOR MULTIPURPOSE REACTORS.—Of funds made available pursuant to subsection (a), sufficient funds shall be made available for the complete consideration of multipurpose reactors for the disposition of fissile materials in the programmatic environmental impact statement of the Department.

(c) LIMITATION.—Of funds made available pursuant to subsection (a), $10,000,000 shall be available only for a plutonium resource assessment.

### SEC. 3136. TRITIUM RECYCLING.

South Carolina.

(a) IN GENERAL.—Except as provided in subsection (b), the following activities shall be carried out at the Savannah River Site, South Carolina:

(1) All tritium recycling for weapons, including tritium refitting.

(2) All activities regarding tritium formerly carried out at the Mound Plant, Ohio.

(b) EXCEPTION.—The following activities may be carried out at the Los Alamos National Laboratory, New Mexico:

(1) Research on tritium.

(2) Work on tritium in support of the defense inertial confinement fusion program.

(3) Provision of technical assistance to the Savannah River Site regarding the weapons surveillance program.

42 USC 2121 note.

### SEC. 3137. MANUFACTURING INFRASTRUCTURE FOR REFABRICATION AND CERTIFICATION OF NUCLEAR WEAPONS STOCKPILE.

(a) MANUFACTURING PROGRAM.—The Secretary of Energy shall carry out a program for purposes of establishing within the Government a manufacturing infrastructure that has the capabilities of meeting the following objectives as specified in the Nuclear Posture Review:

(1) To provide a stockpile surveillance engineering base.

(2) To refabricate and certify weapon components and types in the enduring nuclear weapons stockpile, as necessary.

(3) To fabricate and certify new nuclear warheads, as necessary.

(4) To support nuclear weapons.

(5) To supply sufficient tritium in support of nuclear weapons to ensure an upload hedge in the event circumstances require.

(b) REQUIRED CAPABILITIES.—The manufacturing infrastructure established under the program under subsection (a) shall include the following capabilities (modernized to attain the objectives referred to in that subsection):

(1) The weapons assembly capabilities of the Pantex Plant.

(2) The weapon secondary fabrication capabilities of the Y–12 Plant, Oak Ridge, Tennessee.

(3) The tritium production, recycling, and other weapons-related capabilities of the Savannah River Site.

(4) The non-nuclear component capabilities of the Kansas City Plant.

(c) NUCLEAR POSTURE REVIEW.—For purposes of subsection (a), the term "Nuclear Posture Review" means the Department of Defense Nuclear Posture Review as contained in the Report of the Secretary of Defense to the President and the Congress dated February 19, 1995, or subsequent such reports.

(d) FUNDING.—Of the funds authorized to be appropriated under section 3101(b), $143,000,000 shall be available for carrying out the program required under this section, of which—

(1) $35,000,000 shall be available for activities at the Pantex Plant;

(2) $30,000,000 shall be available for activities at the Y–12 Plant, Oak Ridge, Tennessee;

(3) $35,000,000 shall be available for activities at the Savannah River Site; and

(4) $43,000,000 shall be available for activities at the Kansas City Plant.

(e) PLAN AND REPORT.—The Secretary shall develop a plan for the implementation of this section. Not later than March 1, 1996, the Secretary shall submit to Congress a report on the obligations the Secretary has incurred, and plans to incur, during fiscal year 1996 for the program referred to in subsection (a).

### SEC. 3138. HYDRONUCLEAR EXPERIMENTS.

Of the funds authorized to be appropriated to the Department of Energy pursuant to section 3101, $30,000,000 shall be available to prepare for the commencement of a program of hydronuclear experiments at the nuclear weapons design laboratories at the Nevada Test Site, Nevada. The purpose of the program shall be to maintain confidence in the reliability and safety of the nuclear weapons stockpile.

### SEC. 3139. LIMITATION ON AUTHORITY TO CONDUCT HYDRONUCLEAR TESTS.

Nothing in this Act may be construed to authorize the conduct of hydronuclear tests or to amend or repeal the requirements of section 507 of the Energy and Water Development Appropriations Act, 1993 (Public Law 102–377; 106 Stat. 1343; 42 U.S.C. 2121 note).

### SEC. 3140. FELLOWSHIP PROGRAM FOR DEVELOPMENT OF SKILLS CRITICAL TO THE DEPARTMENT OF ENERGY NUCLEAR WEAPONS COMPLEX.

42 USC 2121 note.

(a) IN GENERAL.—The Secretary of Energy shall conduct a fellowship program for the development of skills critical to the ongoing mission of the Department of Energy nuclear weapons complex. Under the fellowship program, the Secretary shall—

(1) provide educational assistance and research assistance to eligible individuals to facilitate the development by such individuals of skills critical to maintaining the ongoing mission of the Department of Energy nuclear weapons complex;

(2) employ eligible individuals at the facilities described in subsection (c) in order to facilitate the development of such skills by these individuals; or

(3) provide eligible individuals with the assistance and the employment.

(b) ELIGIBLE INDIVIDUALS.—Individuals eligible for participation in the fellowship program are the following:

(1) Students pursuing graduate degrees in fields of science or engineering that are related to nuclear weapons engineering or to the science and technology base of the Department of Energy.

(2) Individuals engaged in postdoctoral studies in such fields.

(c) COVERED FACILITIES.—The Secretary shall carry out the fellowship program at or in connection with the following facilities:

(1) The Kansas City Plant, Kansas City, Missouri.

(2) The Pantex Plant, Amarillo, Texas.

(3) The Y–12 Plant, Oak Ridge, Tennessee.

(4) The Savannah River Site, Aiken, South Carolina.

(d) ADMINISTRATION.—The Secretary shall carry out the fellowship program at a facility referred to in subsection (c) through the stockpile manager of the facility.

(e) ALLOCATION OF FUNDS.—The Secretary shall, in consultation with the Assistant Secretary of Energy for Defense Programs, allocate funds available for the fellowship program under subsection (f) among the facilities referred to in subsection (c). The Secretary shall make the allocation after evaluating an assessment by the weapons program director of each such facility of the personnel and critical skills necessary at the facility for carrying out the ongoing mission of the facility.

(f) FUNDING.—Of the funds authorized to be appropriated to the Department of Energy for fiscal year 1996 under section 3101(b), $10,000,000 may be used for the purpose of carrying out the fellowship program under this section.

### SEC. 3141. LIMITATION ON USE OF FUNDS FOR CERTAIN RESEARCH AND DEVELOPMENT PURPOSES.

Funds appropriated or otherwise made available to the Department of Energy for fiscal year 1996 under section 3101 may be obligated and expended for activities under the Department of Energy Laboratory Directed Research and Development Program or under Department of Energy technology transfer programs only if such activities support the national security mission of the Department.

### SEC. 3142. PROCESSING AND TREATMENT OF HIGH-LEVEL NUCLEAR WASTE AND SPENT NUCLEAR FUEL RODS.

(a) PROCESSING OF SPENT NUCLEAR FUEL RODS.—Of the amounts appropriated pursuant to section 3102, there shall be available to the Secretary of Energy to respond effectively to new requirements for managing spent nuclear fuel—

(1) not more than $30,000,000, for the Savannah River Site for the development and implementation of a program for the processing, reprocessing, separation, reduction, isolation, and interim storage of high-level nuclear waste associated with aluminum clad spent fuel rods and foreign spent fuel rods; and

(2) not more than $15,000,000, for the Idaho National Engineering Laboratory for the development and implementation of a program for the treatment, preparation, and conditioning of high-level nuclear waste and spent nuclear fuel (including naval spent nuclear fuel), nonaluminum clad fuel rods, and foreign fuel rods for interim storage and final disposition.

(b) IMPLEMENTATION PLAN.—Not later than April 30, 1996, the Secretary shall submit to Congress a five-year plan for the implementation of the programs referred to in subsection (a). The plan shall include—

(1) an assessment of the facilities required to be constructed or upgraded to carry out the processing, separation, reduction, isolation and interim storage of high-level nuclear waste;

(2) a description of the technologies, including stabilization technologies, that are required to be developed for the efficient conduct of the programs;

(3) a projection of the dates upon which activities under the programs are sufficiently completed to provide for the transfers of such waste to permanent repositories; and

(4) a projection of the total cost to complete the programs.

(c) ELECTROMETALLURGICAL WASTE TREATMENT TECHNOLOGIES.—Of the amount appropriated pursuant to section

3102(c), not more than $25,000,000 shall be available for development of electrometallurgical waste treatment technologies at the Argonne National Laboratory.

(d) USE OF FUNDS FOR SETTLEMENT AGREEMENT.—Funds made available pursuant to subsection (a)(2) for the Idaho National Engineering Laboratory shall be considered to be funds made available in partial fulfillment of the terms and obligations set forth in the settlement agreement entered into by the United States with the State of Idaho in the actions captioned Public Service Co. of Colorado v. Batt, Civil No. 91–0035–S–EJL, and United States v. Batt, Civil No. 91–0054–S–EJL, in the United States District Court for the District of Idaho and the consent order of the United States District Court for the District of Idaho, dated October 17, 1995, that effectuates the settlement agreement.

### SEC. 3143. PROTECTION OF WORKERS AT NUCLEAR WEAPONS FACILITIES.

Of the funds authorized to be appropriated to the Department of Energy under section 3102, $10,000,000 shall be available to carry out activities authorized under section 3131 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1571; 42 U.S.C. 7274d), relating to worker protection at nuclear weapons facilities.

### SEC. 3144. DEPARTMENT OF ENERGY DECLASSIFICATION PRODUCTIVITY INITIATIVE.

Of the funds authorized to be appropriated to the Department of Energy under section 3103, $3,000,000 shall be available for the Declassification Productivity Initiative of the Department of Energy.

## Subtitle D—Other Matters

### SEC. 3151. REPORT ON FOREIGN TRITIUM PURCHASES.

President.

(a) REPORT.—Not later than May 1, 1996, the President shall submit to the congressional defense committees a report on the feasibility of, the cost of, and the policy, legal, and other issues associated with purchasing tritium from various foreign suppliers in order to ensure an adequate supply of tritium in the United States for nuclear weapons.

(b) FORM OF REPORT.—The report shall be submitted in unclassified form, but may contain a classified appendix.

### SEC. 3152. STUDY ON NUCLEAR TEST READINESS POSTURES.

Reports.

Not later than February 15, 1996, the Secretary of Energy shall submit to Congress a report on the costs, programmatic issues, and other issues associated with sustaining the capability of the Department of Energy—

(1) to conduct an underground nuclear test 6 months after the date on which the President determines that such a test is necessary to ensure the national security of the United States;

(2) to conduct such a test 18 months after such date; and

(3) to conduct such a test 36 months after such date.

42 USC 2121 note.

## SEC. 3153. MASTER PLAN FOR THE CERTIFICATION, STEWARDSHIP, AND MANAGEMENT OF WARHEADS IN THE NUCLEAR WEAPONS STOCKPILE.

President.

(a) MASTER PLAN REQUIREMENT.—Not later than March 15, 1996, the President shall submit to Congress a master plan for maintaining the nuclear weapons stockpile. The President shall submit to Congress an update of the master plan not later than March 15 of each year thereafter.

(b) PLAN ELEMENTS.—The master plan and each update of the master plan shall set forth the following:

(1) The numbers of weapons (including active and inactive weapons) for each type of weapon in the nuclear weapons stockpile.

(2) The expected design lifetime of each weapon type, the current age of each weapon type, and any plans (including the analytical basis for such plans) for lifetime extensions of a weapon type.

(3) An estimate of the lifetime of the nuclear and non-nuclear components of the weapons (including active weapons and inactive weapons) in the nuclear weapons stockpile, and any plans (including the analytical basis for such plans) for lifetime extensions of such components.

(4) A schedule of the modifications, if any, required for each weapon type (including active and inactive weapons) in the nuclear weapons stockpile and the cost of such modifications.

(5) The process to be used in recertifying the safety, reliability, and performance of each weapon type (including active weapons and inactive weapons) in the nuclear weapons stockpile.

(6) The manufacturing infrastructure required to maintain the nuclear weapons stockpile stewardship and management programs, including a detailed project plan that demonstrates the manner by which the Government will develop by 2002 the capability to refabricate and certify warheads in the nuclear weapons stockpile and to design, fabricate, and certify new warheads.

(c) FORM OF PLAN.—The master plan and each update of the master plan shall be submitted in unclassified form, but may contain a classified appendix.

## SEC. 3154. PROHIBITION ON INTERNATIONAL INSPECTIONS OF DEPARTMENT OF ENERGY FACILITIES UNLESS PROTECTION OF RESTRICTED DATA IS CERTIFIED.

42 USC 2164 note.

(a) PROHIBITION ON INSPECTIONS.—(1) The Secretary of Energy may not allow an inspection of a nuclear weapons facility by the International Atomic Energy Agency until the Secretary certifies to Congress that no restricted data will be revealed during such inspection.

(2) For purposes of paragraph (1), the term “restricted data” has the meaning provided by section 11 y. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(y)).

(b) EXTENSION OF NOTICE-AND-WAIT REQUIREMENT REGARDING PROPOSED COOPERATION AGREEMENTS.—Section 3155(b) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 3092) is amended by striking out “December 31, 1995” and inserting in lieu thereof “October 1, 1996”.

42 USC 2153 note.

## SEC. 3155. REVIEW OF CERTAIN DOCUMENTS BEFORE DECLASSIFICATION AND RELEASE.

42 USC 2162 note.

(a) IN GENERAL.—The Secretary of Energy shall ensure that, before a document of the Department of Energy that contains national security information is released or declassified, such document is reviewed to determine whether it contains restricted data.

(b) LIMITATION ON DECLASSIFICATION.—The Secretary may not implement the automatic declassification provisions of Executive Order 12958 if the Secretary determines that such implementation could result in the automatic declassification and release of documents containing restricted data.

(c) RESTRICTED DATA DEFINED.—In this section, the term “restricted data” has the meaning provided by section 11 y. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(y)).

## SEC. 3156. ACCELERATED SCHEDULE FOR ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT ACTIVITIES.

42 USC 7274k note.

(a) ACCELERATED CLEANUP.—The Secretary of Energy shall accelerate the schedule for environmental restoration and waste management activities and projects for a site at a Department of Energy defense nuclear facility if the Secretary determines that such an accelerated schedule will achieve meaningful, long-term cost savings to the Federal Government and could substantially accelerate the release of land for local reuse.

(b) CONSIDERATION OF FACTORS.—In making a determination under subsection (a), the Secretary shall consider the following:

(1) The cost savings achievable by the Federal Government.

(2) The amount of time for completion of environmental restoration and waste management activities and projects at the site that can be reduced from the time specified for completion of such activities and projects in the baseline environmental management report required to be submitted for 1995 under section 3153 of the National Defense Authorization Act for Fiscal Year 1994 (42 U.S.C. 7274k).

(3) The potential for reuse of the site.

(4) The risks that the site poses to local health and safety.

(5) The proximity of the site to populated areas.

(c) REPORT.—Not later than May 1, 1996, the Secretary shall submit to Congress a report on each site for which the Secretary has accelerated the schedule for environmental restoration and waste management activities and projects under subsection (a). The report shall include an explanation of the basis for the determination for that site required by such subsection, including an explanation of the consideration of the factors described in subsection (b).

(d) SAVINGS PROVISION.—Nothing in this section may be construed to affect a specific statutory requirement for a specific environmental restoration or waste management activity or project or to modify or otherwise affect applicable statutory or regulatory environmental restoration and waste management requirements, including substantive standards intended to protect public health and the environment.

## SEC. 3157. SENSE OF CONGRESS REGARDING CERTAIN ENVIRONMENTAL RESTORATION REQUIREMENTS.

It is the sense of Congress that—

(1) an individual acting within the scope of that individual's employment with a Federal agency should not be personally subject to civil or criminal sanctions (to the extent such sanctions are provided for by law) as a result of the failure to comply with an environmental cleanup requirement under the Solid Waste Disposal Act or the Comprehensive Environmental Response, Compensation, and Liability Act or an analogous requirement under a comparable Federal, State, or local law, in any circumstance under which such failure to comply is due to an insufficiency of funds appropriated to carry out such requirement;

(2) Federal and State enforcement authorities should refrain from an enforcement action in a circumstance described in paragraph (1); and

(3) if funds appropriated for a fiscal year after fiscal year 1995 are insufficient to carry out any such environmental cleanup requirement, Congress should elicit the views of Federal agencies, affected States, and the public, and consider appropriate legislative action to address personal criminal liability in a circumstance described in paragraph (1) and any related issues pertaining to potential liability of a Federal agency.

### SEC. 3158. RESPONSIBILITY FOR DEFENSE PROGRAMS EMERGENCY RESPONSE PROGRAM.

The Office of Military Applications under the Assistant Secretary of Energy for Defense Programs shall retain responsibility for the Defense Programs Emergency Response Program within the Department of Energy.

42 USC 7271b note.

### SEC. 3159. REQUIREMENTS FOR DEPARTMENT OF ENERGY WEAPONS ACTIVITIES BUDGETS FOR FISCAL YEARS AFTER FISCAL YEAR 1996.

(a) IN GENERAL.—The weapons activities budget of the Department of Energy shall be developed in accordance with the Nuclear Posture Review, the Post Nuclear Posture Review Stockpile Memorandum currently under development, and the programmatic and technical requirements associated with the review and memorandum.

(b) REQUIRED DETAIL.—The Secretary of Energy shall include in the materials that the Secretary submits to Congress in support of the budget for a fiscal year submitted by the President pursuant to section 1105 of title 31, United States Code, a long-term program plan, and a near-term program plan, for the certification and stewardship of the nuclear weapons stockpile.

(c) DEFINITION.—In this section, the term "Nuclear Posture Review" means the Department of Defense Nuclear Posture Review as contained in the report of the Secretary of Defense to the President and the Congress dated February 19, 1995, or in subsequent such reports.

### SEC. 3160. REPORT ON HYDRONUCLEAR TESTING.

(a) REPORT.—The Secretary of Energy shall direct the joint preparation by the Directors of the Lawrence Livermore National Laboratory and the Los Alamos National Laboratory of a report on the advantages and disadvantages with respect to the safety and reliability of the nuclear weapons stockpile of permitting alternative limits to the current limit on the explosive yield of hydronuclear and other explosive tests. The report shall address the following explosive yield limits:

(1) 4 pounds (TNT equivalent).

(2) 400 pounds (TNT equivalent).

(3) 4,000 pounds (TNT equivalent).

(4) 40,000 pounds (TNT equivalent).

(5) 400 tons (TNT equivalent).

(b) FUNDING.—The Secretary shall make available funds appropriated to the Department of Energy pursuant to section 3101 for preparation of the report required under subsection (a).

### SEC. 3161. APPLICABILITY OF ATOMIC ENERGY COMMUNITY ACT OF 1955 TO LOS ALAMOS, NEW MEXICO.

(a) DATE OF TRANSFER OF UTILITIES.—Section 72 of the Atomic Energy Community Act of 1955 (42 U.S.C. 2372) is amended by striking out “not later than five years after the date it is included within this Act” and inserting in lieu thereof “not later than June 30, 1998”.

(b) DATE OF TRANSFER OF MUNICIPAL INSTALLATIONS.—Section 83 of such Act (42 U.S.C. 2383) is amended by striking out “not later than five years after the date it is included within this Act” and inserting in lieu thereof “not later than June 30, 1998”.

(c) RECOMMENDATION FOR FURTHER ASSISTANCE PAYMENTS.—Section 91d. of such Act (42 U.S.C. 2391) is amended—

(1) by striking out “, and the Los Alamos School Board;” and all that follows through “county of Los Alamos, New Mexico” and inserting in lieu thereof “; or not later than June 30, 1996, in the case of the Los Alamos School Board and the county of Los Alamos, New Mexico”; and

Reports.

(2) by adding at the end the following new sentence: “If the recommendation under the preceding sentence regarding the Los Alamos School Board or the county of Los Alamos, New Mexico, indicates a need for further assistance for the school board or the county, as the case may be, after June 30, 1997, the recommendation shall include a report and plan describing the actions required to eliminate the need for further assistance for the school board or the county, including a proposal for legislative action to carry out the plan.”.

(d) CONTRACT TO MAKE PAYMENTS.—Section 94 of such Act (42 U.S.C. 2394) is amended—

(1) by striking out “June 30, 1996” each place it appears in the proviso in the first sentence and inserting in lieu thereof “June 30, 1997”; and

(2) by striking out “July 1, 1996” in the second sentence and inserting in lieu thereof “July 1, 1997”.

### SEC. 3162. SENSE OF CONGRESS REGARDING SHIPMENTS OF SPENT NUCLEAR FUEL.

(a) FINDINGS.—Congress makes the following findings:

(1) The United States has entered into a settlement agreement with the State of Idaho in the actions captioned Public Service Co. of Colorado v. Batt, Civil No. 91–0035–S–EJL, and United States v. Batt, Civil No. 91–0054–S–EJL, in the United States District Court for the District of Idaho, regarding shipment of naval spent nuclear fuel to Idaho, examination and storage of such fuel in Idaho, and other matters.

(2) Under this court enforceable agreement—

(A) the State of Idaho has agreed—

(i) to accept 575 shipments of naval spent nuclear fuel from the Navy into Idaho between October 17, 1995 and 2035;

(ii) to accept certain shipments of spent nuclear fuel from the Department of Energy into Idaho between October 17, 1995 and 2035; and

(iii) to allow the Navy and the Department of Energy, on an interim basis, to store the spent nuclear fuel in Idaho over the next 40 years; and

(B) the United States has made commitments—

(i) to remove all spent nuclear fuel (except certain quantities for testing) from Idaho by 2035; and

(ii) to facilitate the cleanup and stabilization of radioactive waste at the Idaho National Engineering Laboratory.

(3) The settlement agreement allows the Department of Energy and the Department of the Navy to meet responsibilities that are important to the national security interests of the United States.

(4) Authorizations and appropriations of funds will be necessary in order to provide for fulfillment of the terms and obligations set forth in the settlement agreement.

(b) SENSE OF CONGRESS.—(1) Congress recognizes the need to implement the terms, conditions, rights, and obligations contained in the settlement agreement referred to in subsection (a)(1 and the consent order of the United States District Court for the District of Idaho, dated October 17, 1995, that effectuates the settlement agreement in accordance with those terms, conditions, rights, and obligations.

(2) It is the sense of Congress that funds requested by the President to carry out the settlement agreement and such consent order should be appropriated for that purpose.

# TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

### SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 1996 $17,000,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

# TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

## Subtitle A—Authorization of Disposals and Use of Funds

### SEC. 3301. DEFINITIONS.

For purposes of this subtitle:

(1) The term “National Defense Stockpile” means the stockpile provided for in section 4 of the Strategic and Critica Materials Stock Piling Act (50 U.S.C. 98c).

(2) The term "National Defense Stockpile Transaction Fund" means the fund in the Treasury of the United States established under section 9(a) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h(a)).

### SEC. 3302. AUTHORIZED USES OF STOCKPILE FUNDS.

(a) OBLIGATION OF STOCKPILE FUNDS.—During fiscal year 1996, the National Defense Stockpile Manager may obligate up to $77,100,000 of the funds in the National Defense Stockpile Transaction Fund for the authorized uses of such funds under section 9(b)(2) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h(b)(2)).

(b) ADDITIONAL OBLIGATIONS.—The National Defense Stockpile Manager may obligate amounts in excess of the amount specified in subsection (a) if the National Defense Stockpile Manager notifies Congress that extraordinary or emergency conditions necessitate the additional obligations. The National Defense Stockpile Manager may make the additional obligations described in the notification after the end of the 45-day period beginning on the date Congress receives the notification.

(c) LIMITATIONS.—The authorities provided by this section shall be subject to such limitations as may be provided in appropriations Acts.

### SEC. 3303. DISPOSAL OF CHROMITE AND MANGANESE ORES AND CHROMIUM FERRO AND MANGANESE METAL ELECTROLYTIC.

President.

(a) DOMESTIC UPGRADING.—In offering to enter into agreements pursuant to any provision of law for the disposal from the National Defense Stockpile of chromite and manganese ores or chromium ferro and manganese metal electrolytic, the President shall give a right of first refusal on all such offers to domestic ferroalloy upgraders.

(b) DOMESTIC FERROALLOY UPGRADER DEFINED.—For purposes of this section, the term "domestic ferroalloy upgrader" means a company or other business entity that, as determined by the President—

(1) is engaged in operations to upgrade chromite or manganese ores of metallurgical grade or chromium ferro and manganese metal electrolytic; and

(2) conducts a significant level of its research, development, engineering, and upgrading operations in the United States.

### SEC. 3304. RESTRICTIONS ON DISPOSAL OF MANGANESE FERRO.

(a) DISPOSAL OF LOWER GRADE MATERIAL FIRST.—The President may not dispose of high carbon manganese ferro in the National Defense Stockpile that meets the National Defense Stockpile classification of Grade One, Specification 30(a), as revised on May 22, 1992, until completing the disposal of all manganese ferro in the National Defense Stockpile that does not meet such classification. The President may not reclassify manganese ferro in the National Defense Stockpile after the date of the enactment of this Act.

(b) REQUIREMENT FOR REMELTING BY DOMESTIC FERROALLOY PRODUCERS.—Manganese ferro in the National Defense Stockpile that does not meet the classification specified in subsection (a) may be sold only for remelting by a domestic ferroalloy producer unless the President determines that a domestic ferroalloy producer is not available to acquire the material.

(c) Domestic Ferroalloy Producer Defined.—For purposes of this section, the term "domestic ferroalloy producer" means a company or other business entity that, as determined by the President—

(1) is engaged in operations to upgrade manganese ores of metallurgical grade or manganese ferro; and

(2) conducts a significant level of its research, development, engineering, and upgrading operations in the United States.

### SEC. 3305. TITANIUM INITIATIVE TO SUPPORT BATTLE TANK UPGRADE PROGRAM.

During each of the fiscal years 1996 through 2003, the Secretary of Defense shall transfer from stocks of the National Defense Stockpile up to 250 short tons of titanium sponge to the Secretary of the Army for use in the weight reduction portion of the main battle tank upgrade program. Transfers under this section shall be without charge to the Army, except that the Secretary of the Army shall pay all transportation and related costs incurred in connection with the transfer.

## Subtitle B—Programmatic Change

### SEC. 3311. TRANSFER OF EXCESS DEFENSE-RELATED MATERIALS TO STOCKPILE FOR DISPOSAL.

(a) Transfer and Disposal.—Section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98c) is amended by adding at the end the following new subsection:

"(c)(1) The Secretary of Energy, in consultation with the Secretary of Defense, shall transfer to the stockpile for disposal in accordance with this Act uncontaminated materials that are in the Department of Energy inventory of materials for the production of defense-related items, are excess to the requirements of the Department for that purpose, and are suitable for transfer to the stockpile and disposal through the stockpile.

"(2) The Secretary of Defense shall determine whether materials are suitable for transfer to the stockpile under this subsection, are suitable for disposal through the stockpile, and are uncontaminated.".

(b) Conforming Amendment.—Subsection (a) of such section is amended by adding at the end the following:

"(10) Materials transferred to the stockpile under subsection (c).".

# TITLE XXXIV—NAVAL PETROLEUM RESERVES

## Subtitle A—Administration of Naval Petroleum Reserves

### SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.

There is hereby authorized to be appropriated to the Secretary of Energy $148,786,000 for fiscal year 1996 for the purpose of carrying out activities under chapter 641 of title 10, United States Code, relating to the naval petroleum reserves (as defined in section 7420(2) of such title). Funds appropriated pursuant to such authorization shall remain available until expended. Of the amount appropriated pursuant to the authorization of appropriations in the preceding sentence, the Secretary may use not more than $7,000,000 for carrying out activities related to the sale of Naval Petroleum Reserve Numbered 1 under section 3412.

### SEC. 3402. PRICE REQUIREMENT ON SALE OF CERTAIN PETROLEUM DURING FISCAL YEAR 1996.

10 USC 7430 note.

Notwithstanding section 7430(b)(2) of title 10, United States Code, during fiscal year 1996, any sale of any part of the United States share of petroleum produced from Naval Petroleum Reserves Numbered 1, 2, and 3 shall be made at a price not less than 90 percent of the current sales price, as estimated by the Secretary of Energy, of comparable petroleum in the same area.

### SEC. 3403. EXTENSION OF OPERATING CONTRACT FOR NAVAL PETROLEUM RESERVE NUMBERED 1.

Section 3503 of the National Defense Authorization Act of Fiscal Year 1995 (Public Law 103–337; 108 Stat. 3111) is amended by striking out “two years” in the first sentence and inserting in lieu thereof “three years”.

## Subtitle B—Sale of Naval Petroleum Reserve

California.
10 USC 7420 note.

### SEC. 3411. DEFINITIONS.

For purposes of this subtitle:

(1) The terms “Naval Petroleum Reserve Numbered 1” and “reserve” mean Naval Petroleum Reserve Numbered 1, commonly referred to as the Elk Hills Unit, located in Kern County, California, and established by Executive order of the President, dated September 2, 1912.

(2) The term “naval petroleum reserves” has the meaning given that term in section 7420(2) of title 10, United States Code, except that the term does not include Naval Petroleum Reserve Numbered 1.

(3) The term “unit plan contract” means the unit plan contract between equity owners of the lands within the boundaries of Naval Petroleum Reserve Numbered 1 entered into on June 19, 1944.

(4) The term “effective date” means the date of the enactment of this Act.

(5) The term “Secretary” means the Secretary of Energy.

(6) The term “appropriate congressional committees” means the Committee on Armed Services of the Senate and the Committee on National Security and the Committee on Commerce of the House of Representatives.

### SEC. 3412. SALE OF NAVAL PETROLEUM RESERVE NUMBERED 1.

(a) Sale of Reserve Required.—Subject to section 3414, not later than two years after the effective date, the Secretary of Energy shall enter into one or more contracts for the sale of all right, title, and interest of the United States in and to all lands owned or controlled by the United States inside Naval Petroleum Reserv Numbered 1. Chapter 641 of title 10, United States Code, shal not apply to the sale of the reserve.

(b) EQUITY FINALIZATION.—(1) Not later than eight month after the effective date, the Secretary shall finalize equity interest of the known oil and gas zones in Naval Petroleum Reserve Numbered 1 in the manner provided by this subsection.

(2) The Secretary shall retain the services of an independen petroleum engineer, mutually acceptable to the equity owners, wh shall prepare a recommendation on final equity figures. The Secretary may accept the recommendation of the independent petroleum engineer for final equity in each known oil and gas zon and establish final equity interest in Naval Petroleum Reserv Numbered 1 in accordance with the recommendation, or the Secretary may use such other method to establish final equity interes in the reserve as the Secretary considers appropriate.

(3) If, on the effective date, there is an ongoing equity redetermination dispute between the equity owners under section 9(b of the unit plan contract, the dispute shall be resolved in th manner provided in the unit plan contract within eight month after the effective date. The resolution shall be considered fina for all purposes under this section.

Publication.

(c) NOTICE OF SALE.—Not later than two months after th effective date, the Secretary shall publish a notice of intent t sell Naval Petroleum Reserve Numbered 1. The Secretary shal make all technical, geological, and financial information relevan to the sale of the reserve available to all interested and qualifie buyers upon request. The Secretary, in consultation with th Administrator of General Services, shall ensure that the sale proces is fair and open to all interested and qualified parties.

(d) ESTABLISHMENT OF MINIMUM SALE PRICE.—(1) Not late than seven months after the effective date, the Secretary shal retain the services of five independent experts in the valuatio of oil and gas fields to conduct separate assessments, in a manne consistent with commercial practices, of the value of the interes of the United States in Naval Petroleum Reserve Numbered 1 The independent experts shall complete their assessments withi 11 months after the effective date. In making their assessments the independent experts shall consider (among other factors)—

(A) all equipment and facilities to be included in the sale

(B) the estimated quantity of petroleum and natural ga in the reserve; and

(C) the net present value of the anticipated revenue strean that the Secretary and the Director of the Office of Managemen and Budget jointly determine the Treasury would receive fron the reserve if the reserve were not sold, adjusted for an anticipated increases in tax revenues that would result if th reserve were sold.

Reports.

(2) The independent experts retained under paragraph (1) shal also determine and submit to the Secretary the estimated tota amount of the cost of any environmental restoration and remediation necessary at the reserve. The Secretary shall report the estimate to the Director of the Office of Management and Budget the Secretary of the Treasury, and Congress.

(3) The Secretary, in consultation with the Director of th Office of Management and Budget, shall set the minimum accept

able price for the reserve. The Secretary may not set the minimum acceptable price below the higher of—

(A) the average of the five assessments prepared under paragraph (1); and

(B) the average of three assessments after excluding the high and low assessments.

(e) Administration of Sale; Draft Contract.—(1) Not later than two months after the effective date, the Secretary shall retain the services of an investment banker or an appropriate equivalent financial adviser to independently administer, in a manner consistent with commercial practices and in a manner that maximizes sale proceeds to the Government, the sale of Naval Petroleum Reserve Numbered 1 under this section. Costs and fees of retaining the investment banker or financial adviser may be paid out of the proceeds of the sale of the reserve.

(2) Not later than 11 months after the effective date, the investment banker or financial adviser retained under paragraph (1) shall complete a draft contract or contracts for the sale of Naval Petroleum Reserve Numbered 1, which shall accompany the solicitation of offers and describe the terms and provisions of the sale of the interest of the United States in the reserve.

(3) The draft contract or contracts shall identify—

(A) all equipment and facilities to be included in the sale; and

(B) any potential claim or liability (including liability for environmental restoration and remediation), and the extent of any such claim or liability, for which the United States is responsible under subsection (g).

(4) The draft contract or contracts, including the terms and provisions of the sale of the interest of the United States in the reserve, shall be subject to review and approval by the Secretary, the Secretary of the Treasury, and the Director of the Office of Management and Budget. Each of those officials shall complete the review of, and approve or disapprove, the draft contract or contracts not later than 12 months after the effective date.

Publication.

(f) Solicitation of Offers.—(1) Not later than 13 months after the effective date, the Secretary shall publish the solicitation of offers for Naval Petroleum Reserve Numbered 1.

(2) Not later than 18 months after the effective date, the Secretary shall identify the highest responsible offer or offers for purchase of the interest of the United States in Naval Petroleum Reserve Numbered 1 that, in total, meet or exceed the minimum acceptable price determined under subsection (d)(3).

(3) The Secretary shall take such action immediately after the effective date as is necessary to obtain from an independent petroleum engineer within 10 months after that date a reserve report prepared in a manner consistent with commercial practices. The Secretary shall use the reserve report in support of the preparation of the solicitation of offers for the reserve.

(g) Future Liabilities.—To effectuate the sale of the interest of the United States in Naval Petroleum Reserve Numbered 1, the Secretary may extend such indemnities and warranties as the Secretary considers reasonable and necessary to protect the purchaser from claims arising from the ownership in the reserve by the United States.

(h) Maintaining Production.—Until the sale of Naval Petroleum Reserve Numbered 1 is completed under this section, the

Secretary shall continue to produce the reserve at the maximum daily oil or gas rate from a reservoir, which will permit maximum economic development of the reservoir consistent with sound oil field engineering practices in accordance with section 3 of the unit plan contract.

Notification.

(i) NONCOMPLIANCE WITH DEADLINES.—At any time during the two-year period beginning on the effective date, if the Secretary determines that the actions necessary to complete the sale of the reserve within that period are not being taken or timely completed the Secretary shall transmit to the appropriate congressional committees a written notification of that determination together with a plan setting forth the actions that will be taken to ensure that the sale of the reserve will be completed within that period The Secretary shall consult with the Director of the Office of Management and Budget in preparing the plan for submission to the committees.

(j) OVERSIGHT.—The Comptroller General shall monitor the actions of the Secretary relating to the sale of the reserve and report to the appropriate congressional committees any findings on such actions that the Comptroller General considers appropriate to report to the committees.

(k) ACQUISITION OF SERVICES.—The Secretary may enter into contracts for the acquisition of services required under this section under the authority of paragraph (7) of section 303(c) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)) except that the notification required under subparagraph (B) of such paragraph for each contract shall be submitted to Congress not less than 7 days before the award of the contract.

### SEC. 3413. EFFECT OF SALE OF RESERVE.

(a) EFFECT ON EXISTING CONTRACTS.—(1) In the case of any contract, in effect on the effective date, for the purchase of production from any part of the United States' share of Naval Petroleum Reserve Numbered 1, the sale of the interest of the United States in the reserve shall be subject to the contract for a period of three months after the closing date of the sale or until termination of the contract, whichever occurs first. The term of any contract entered into after the effective date for the purchase of the production shall not exceed the anticipated closing date for the sale of the reserve.

(2) The Secretary shall exercise the termination procedures provided in the contract between the United States and Bechtel Petroleum Operation, Inc., Contract Number DE–ACO1–85FE60520 so that the contract terminates not later than the date of closing of the sale of Naval Petroleum Reserve Numbered 1 under section 3412.

(3) The Secretary shall exercise the termination procedures provided in the unit plan contract so that the unit plan contract terminates not later than the date of closing of the sale of reserve.

(b) EFFECT ON ANTITRUST LAWS.—Nothing in this subtitle shall be construed to alter the application of the antitrust laws of the United States to the purchaser or purchasers (as the case may be) of Naval Petroleum Reserve Numbered 1 or to the lands in the reserve subject to sale under section 3412 upon the completion of the sale.

(c) PRESERVATION OF PRIVATE RIGHT, TITLE, AND INTEREST.—Nothing in this subtitle shall be construed to adversely affect the ownership interest of any other entity having any right, title, and interest in and to lands within the boundaries of Naval Petroleum Reserve Numbered 1 and which are subject to the unit plan contract.

(d) TRANSFER OF OTHERWISE NONTRANSFERABLE PERMIT.—The Secretary may transfer to the purchaser or purchasers (as the case may be) of Naval Petroleum Reserve Numbered 1 the incidental take permit regarding the reserve issued to the Secretary by the United States Fish and Wildlife Service and in effect on the effective date if the Secretary determines that transfer of the permit is necessary to expedite the sale of the reserve in a manner that maximizes the value of the sale to the United States. The transferred permit shall cover the identical activities, and shall be subject to the same terms and conditions, as apply to the permit at the time of the transfer.

### SEC. 3414. CONDITIONS ON SALE PROCESS.

(a) NOTICE REGARDING SALE CONDITIONS.—The Secretary may not enter into any contract for the sale of Naval Petroleum Reserve Numbered 1 under section 3412 until the end of the 31-day period beginning on the date on which the Secretary submits to the appropriate congressional committees a written notification—

(1) describing the conditions of the proposed sale; and

(2) containing an assessment by the Secretary of whether it is in the best interests of the United States to sell the reserve under such conditions.

(b) AUTHORITY TO SUSPEND SALE.—(1) The Secretary may suspend the sale of Naval Petroleum Reserve Numbered 1 under section 3412 if the Secretary and the Director of the Office of Management and Budget jointly determine that—

(A) the sale is proceeding in a manner inconsistent with achievement of a sale price that reflects the full value of the reserve; or

(B) a course of action other than the immediate sale of the reserve is in the best interests of the United States.

Notification.

(2) Immediately after making a determination under paragraph (1) to suspend the sale of Naval Petroleum Reserve Numbered 1, the Secretary shall submit to the appropriate congressional committees a written notification describing the basis for the determination and requesting a reconsideration of the merits of the sale of the reserve.

(c) EFFECT OF RECONSIDERATION NOTICE.—After the Secretary submits a notification under subsection (b), the Secretary may not complete the sale of Naval Petroleum Reserve Numbered 1 under section 3412 or any other provision of law unless the sale of the reserve is authorized in an Act of Congress enacted after the date of the submission of the notification.

### SEC. 3415. TREATMENT OF STATE OF CALIFORNIA CLAIM REGARDING RESERVE.

(a) RESERVATION OF FUNDS.—After the costs incurred in the conduct of the sale of Naval Petroleum Reserve Numbered 1 under section 3412 are deducted, nine percent of the remaining proceeds from the sale of the reserve shall be reserved in a contingent fund in the Treasury for payment to the State of California for the Teachers' Retirement Fund of the State in the event that, and to the extent that, the claims of the State against the United

States regarding production and proceeds of sale from Naval Petroleum Reserve Numbered 1 are—

(1) settled by agreement with the United States under subsection (c); or

(2) finally resolved in favor of the State by a court of competent jurisdiction, if a settlement agreement is not reached.

(b) DISPOSITION OF FUNDS.—In such amounts as may be provided in appropriation Acts, amounts in the contingent fund shall be available for paying a claim described in subsection (a). After final disposition of the claims, any unobligated balance in the contingent fund shall be credited to the general fund of the Treasury. If no payment is made from the contingent fund within 10 years after the effective date, amounts in the contingent fund shall be credited to the general fund of the Treasury.

(c) SETTLEMENT OFFER.—Not later than 30 days after the date of the sale of Naval Petroleum Reserve Numbered 1 under section 3412, the Secretary shall offer to settle all claims of the State of California against the United States with respect to lands in the reserve located in sections 16 and 36 of township 30 south range 23 east, Mount Diablo Principal Meridian, California, and production or proceeds of sale from the reserve, in order to provide proper compensation for the State's claims. The Secretary shall base the amount of the offered settlement payment from the contingent fund on the fair value for the State's claims, including the mineral estate, not to exceed the amount reserved in the contingent fund.

(d) RELEASE OF CLAIMS.—Acceptance of the settlement offer made under subsection (c) shall be subject to the condition that all claims against the United States by the State of California for the Teachers' Retirement Fund of the State be released with respect to lands in Naval Petroleum Reserve Numbered 1, including sections 16 and 36 of township 30 south, range 23 east, Mount Diablo Principal Meridian, California, or production or proceeds of sale from the reserve.

### SEC. 3416. STUDY OF FUTURE OF OTHER NAVAL PETROLEUM RESERVES.

(a) STUDY REQUIRED.—The Secretary of Energy shall conduc a study to determine which of the following options, or combination of options, regarding the naval petroleum reserves (other than Naval Petroleum Reserve Numbered 1) would maximize the valu of the reserves to the United States:

(1) Retention and operation of the naval petroleum reserve by the Secretary under chapter 641 of title 10, United State Code.

(2) Transfer of all or a part of the naval petroleum reserve to the jurisdiction of another Federal agency for administratio under chapter 641 of title 10, United States Code.

(3) Transfer of all or a part of the naval petroleum reserve to the Department of the Interior for leasing in accordanc with the Mineral Leasing Act (30 U.S.C. 181 et seq.) an surface management in accordance with the Federal Land Poicy and Management Act (43 U.S.C. 1701 et seq.).

(4) Sale of the interest of the United States in the naval petroleum reserves.

(b) CONDUCT OF STUDY.—The Secretary shall retain a independent petroleum consultant to conduct the study.

(c) CONSIDERATIONS UNDER STUDY.—An examination of the value to be derived by the United States from the transfer or ale of the naval petroleum reserves shall include an assessment and estimate of the fair market value of the interest of the United States in the naval petroleum reserves. The assessment and estinate shall be made in a manner consistent with customary property valuation practices in the oil and gas industry.

(d) REPORT AND RECOMMENDATIONS REGARDING STUDY.—Not later than June 1, 1996, the Secretary shall submit to Congress a report describing the results of the study and containing such ecommendations (including proposed legislation) as the Secretary onsiders necessary to implement the option, or combination of ptions, identified in the study that would maximize the value f the naval petroleum reserves to the United States.

# TITLE XXXV—PANAMA CANAL COMMISSION

## Subtitle A—Authorization of Appropriations

Panama Canal Commission Authorization Act for Fiscal Year 1996.

### EC. 3501. SHORT TITLE.

This subtitle may be cited as the “Panama Canal Commission Authorization Act for Fiscal Year 1996”.

### EC. 3502. AUTHORIZATION OF EXPENDITURES.

(a) IN GENERAL.—Subject to subsection (b), the Panama Canal Commission is authorized to make such expenditures within the mits of funds and borrowing authority available to it in accordance with law, and to make such contracts and commitments without egard to fiscal year limitations, as may be necessary under the Panama Canal Act of 1979 (22 U.S.C. 3601 et seq.) for the operation, maintenance, and improvement of the Panama Canal for fiscal ear 1996.

(b) LIMITATIONS.—For fiscal year 1996, the Panama Canal Commission may expend from funds in the Panama Canal Revolving und not more than $50,741,000 for administrative expenses, of which—

(1) not more than $15,000 may be used for official reception and representation expenses of the Supervisory Board of the Commission;

(2) not more than $10,000 may be used for official reception and representation expenses of the Secretary of the Commission; and

(3) not more than $45,000 may be used for official reception and representation expenses of the Administrator of the Commission.

(c) REPLACEMENT VEHICLES.—Funds available to the Panama anal Commission shall be available for the purchase of not to xceed 38 passenger motor vehicles (including large heavy-duty ehicles to be used to transport Commission personnel across the thmus of Panama) at a cost per vehicle of not more than $19,500. vehicle may be purchased with such funds only as necessary replace another passenger motor vehicle of the Commission.

(d) Information Technology Architecture Defined.—I
this section, the term "information technology architecture", wit
respect to an executive agency, means an integrated framewor
for evolving or maintaining existing information technology an
acquiring new information technology to achieve the agency's strat
gic goals and information resources management goals.

(e) Executive Level IV.—Section 5315 of title 5, United State
Code, is amended by adding at the end the following:

"Chief Information Officer, Department of Agriculture.

"Chief Information Officer, Department of Commerce.

"Chief Information Officer, Department of Defense (unles
the official designated as the Chief Information Officer of th
Department of Defense is an official listed under section 531
5313, or 5314 of this title).

"Chief Information Officer, Department of Education.

"Chief Information Officer, Department of Energy.

"Chief Information Officer, Department of Health an
Human Services.

"Chief Information Officer, Department of Housing an
Urban Development.

"Chief Information Officer, Department of Interior.

"Chief Information Officer, Department of Justice.

"Chief Information Officer, Department of Labor.

"Chief Information Officer, Department of State.

"Chief Information Officer, Department of Transportatio

"Chief Information Officer, Department of Treasury.

"Chief Information Officer, Department of Veterans Affair

"Chief Information Officer, Environmental Protecti
Agency.

"Chief Information Officer, National Aeronautics and Spa
Administration.

"Chief Information Officer, Agency for International Deve
opment.

"Chief Information Officer, Federal Emergency Manag
ment Agency.

"Chief Information Officer, General Services Administr
tion.

"Chief Information Officer, National Science Foundatio

"Chief Information Officer, Nuclear Regulatory Agency.

"Chief Information Officer, Office of Personnel Manag
ment.

"Chief Information Officer, Small Business Administr
tion.".

40 USC 1426.

**SEC. 5126. ACCOUNTABILITY.**

The head of each executive agency, in consultation with t
Chief Information Officer and the Chief Financial Officer of th
executive agency (or, in the case of an executive agency witho
a Chief Financial Officer, any comparable official), shall establi
policies and procedures that—

(1) ensure that the accounting, financial, and asset manag
ment systems and other information systems of the executi
agency are designed, developed, maintained, and used eff
tively to provide financial or program performance data f
financial statements of the executive agency;

(2) ensure that financial and related program performance data are provided on a reliable, consistent, and timely basis to executive agency financial management systems; and

(3) ensure that financial statements support—

(A) assessments and revisions of mission-related processes and administrative processes of the executive agency; and

(B) performance measurement of the performance in the case of investments made by the agency in information systems.

### SEC. 5127. SIGNIFICANT DEVIATIONS.

40 USC 1427.

The head of an executive agency shall identify in the strategic information resources management plan required under section 3506(b)(2) of title 44, United States Code, any major information technology acquisition program, or any phase or increment of such a program, that has significantly deviated from the cost, performance, or schedule goals established for the program.

### SEC. 5128. INTERAGENCY SUPPORT.

40 USC 1428.

Funds available for an executive agency for oversight, acquisition, and procurement of information technology may be used by the head of the executive agency to support jointly with other executive agencies the activities of interagency groups that are established to advise the Director in carrying out the Director's responsibilities under this title. The use of such funds for that purpose shall be subject to such requirements and limitations on uses and amounts as the Director may prescribe. The Director shall prescribe any such requirements and limitations during the Director's review of the executive agency's proposed budget submitted to the Director by the head of the executive agency for purposes of section 1105 of title 31, United States Code.

## Subtitle D—Other Responsibilities

### SEC. 5131. RESPONSIBILITIES REGARDING EFFICIENCY, SECURITY, AND PRIVACY OF FEDERAL COMPUTER SYSTEMS.

40 USC 1441.

(a) Standards and Guidelines.—

(1) Authority.—The Secretary of Commerce shall, on the basis of standards and guidelines developed by the National Institute of Standards and Technology pursuant to paragraphs (2) and (3) of section 20(a) of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3(a)), promulgate standards and guidelines pertaining to Federal computer systems. The Secretary shall make such standards compulsory and binding to the extent to which the Secretary determines necessary to improve the efficiency of operation or security and privacy of Federal computer systems. The President may disapprove or modify such standards and guidelines if the President determines such action to be in the public interest. The President's authority to disapprove or modify such standards and guidelines may not be delegated. Notice of such disapproval or modification shall be published promptly in the Federal Register. Upon receiving notice of such disapproval or modification, the Secretary of Commerce shall immediately rescind or modify such standards or guidelines as directed by the President.

Federal Register, publication.

(2) EXERCISE OF AUTHORITY.—The authority conferred upon the Secretary of Commerce by this section shall be exercised subject to direction by the President and in coordination with the Director to ensure fiscal and policy consistency.

(b) APPLICATION OF MORE STRINGENT STANDARDS.—The head of a Federal agency may employ standards for the cost-effective security and privacy of sensitive information in a Federal computer system within or under the supervision of that agency that are more stringent than the standards promulgated by the Secretary of Commerce under this section, if such standards contain, at a minimum, the provisions of those applicable standards made compulsory and binding by the Secretary of Commerce.

(c) WAIVER OF STANDARDS.—The standards determined under subsection (a) to be compulsory and binding may be waived by the Secretary of Commerce in writing upon a determination that compliance would adversely affect the accomplishment of the mission of an operator of a Federal computer system, or cause a major adverse financial impact on the operator which is not offset by Government-wide savings. The Secretary may delegate to the head of one or more Federal agencies authority to waive such standards to the extent to which the Secretary determines such action to be necessary and desirable to allow for timely and effective implementation of Federal computer system standards. The head of such agency may redelegate such authority only to a Chief Information Officer designated pursuant to section 3506 of title 44, United States Code. Notice of each such waiver and delegation shall be transmitted promptly to Congress and shall be published promptly in the Federal Register.

Federal Register, publication.

(d) DEFINITIONS.—In this section, the terms "Federal computer system" and "operator of a Federal computer system" have the meanings given such terms in section 20(d) of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3(d)).

(e) TECHNICAL AMENDMENTS.—Chapter 35 of title 44, United States Code, is amended—

(1) in section 3504(g)—

(A) in paragraph (2), by striking out "the Computer Security Act of 1987 (40 U.S.C. 759 note)" and inserting in lieu thereof "sections 20 and 21 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3 and 278g–4), section 5131 of the Information Technology Management Reform Act of 1996, and sections 5 and 6 of the Computer Security Act of 1987 (40 U.S.C. 759 note)"; and

(B) in paragraph (3), by striking out "the Computer Security Act of 1987 (40 U.S.C. 759 note)" and inserting in lieu thereof "the standards and guidelines promulgated under section 5131 of the Information Technology Management Reform Act of 1996 and sections 5 and 6 of the Computer Security Act of 1987 (40 U.S.C. 759 note)"; and

(2) in section 3518(d), by striking out "Public Law 89–306 on the Administrator of the General Services Administration, the Secretary of Commerce, or" and inserting in lieu thereof "section 5131 of the Information Technology Management Reform Act of 1996 and the Computer Security Act of 1987 (40 U.S.C. 759 note) on the Secretary of Commerce or".

### SEC. 5132. SENSE OF CONGRESS.

40 USC 1442.

It is the sense of Congress that, during the next five-year period beginning with 1996, executive agencies should achieve each year at least a 5 percent decrease in the cost (in constant fiscal year 1996 dollars) that is incurred by the agency for operating and maintaining information technology, and each year a 5 percent increase in the efficiency of the agency operations, by reason of improvements in information resources management by the agency.

## Subtitle E—National Security Systems

### SEC. 5141. APPLICABILITY TO NATIONAL SECURITY SYSTEMS.

40 USC 1451.

(a) In General.—Except as provided in subsection (b), this title does not apply to national security systems.

(b) Exceptions.—

(1) In general.—Sections 5123, 5125, and 5126 apply to national security systems.

(2) Capital planning and investment control.—The heads of executive agencies shall apply sections 5112 and 5122 to national security systems to the extent practicable.

(3) Performance and results of information technology investments.—(A) Subject to subparagraph (B), the heads of executive agencies shall apply section 5113 to national security systems to the extent practicable.

(B) National security systems shall be subject to section 5113(b)(5) except for subparagraph (B)(iv) of that section.

### SEC. 5142. NATIONAL SECURITY SYSTEM DEFINED.

40 USC 1452.

(a) Definition.—In this subtitle, the term “national security system” means any telecommunications or information system operated by the United States Government, the function, operation, or use of which—

(1) involves intelligence activities;

(2) involves cryptologic activities related to national security;

(3) involves command and control of military forces;

(4) involves equipment that is an integral part of a weapon or weapons system; or

(5) subject to subsection (b), is critical to the direct fulfillment of military or intelligence missions.

(b) Limitation.—Subsection (a)(5) does not include a system that is to be used for routine administrative and business applications (including payroll, finance, logistics, and personnel management applications).

# TITLE LII—PROCESS FOR ACQUISITIONS OF INFORMATION TECHNOLOGY

### SEC. 5201. PROCUREMENT PROCEDURES.

40 USC 1461.

The Federal Acquisition Regulatory Council shall ensure that, to the maximum extent practicable, the process for acquisition of information technology is a simplified, clear, and understandable process that specifically addresses the management of risk, incremental acquisitions, and the need to incorporate commercial information technology in a timely manner.

### SEC. 5202. INCREMENTAL ACQUISITION OF INFORMATION TECHNOLOGY.

(a) POLICY.—The Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.) is amended by adding at the end the following new section:

41 USC 434.

### "SEC. 35. MODULAR CONTRACTING FOR INFORMATION TECHNOLOGY.

"(a) IN GENERAL.—The head of an executive agency should, to the maximum extent practicable, use modular contracting for an acquisition of a major system of information technology.

"(b) MODULAR CONTRACTING DESCRIBED.—Under modular contracting, an executive agency's need for a system is satisfied in successive acquisitions of interoperable increments. Each increment complies with common or commercially accepted standards applicable to information technology so that the increments are compatible with other increments of information technology comprising the system.

"(c) IMPLEMENTATION.—The Federal Acquisition Regulation shall provide that—

"(1) under the modular contracting process, an acquisition of a major system of information technology may be divided into several smaller acquisition increments that—

"(A) are easier to manage individually than would be one comprehensive acquisition;

"(B) address complex information technology objectives incrementally in order to enhance the likelihood of achieving workable solutions for attainment of those objectives;

"(C) provide for delivery, implementation, and testing of workable systems or solutions in discrete increments each of which comprises a system or solution that is not dependent on any subsequent increment in order to perform its principal functions; and

"(D) provide an opportunity for subsequent increments of the acquisition to take advantage of any evolution in technology or needs that occur during conduct of the earlier increments;

"(2) a contract for an increment of an information technology acquisition should, to the maximum extent practicable, be awarded within 180 days after the date on which the solicitation is issued and, if the contract for that increment cannot be awarded within such period, the increment should be considered for cancellation; and

"(3) the information technology provided for in a contract for acquisition of information technology should be delivered within 18 months after the date on which the solicitation resulting in award of the contract was issued.".

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by inserting after the item relating to section 34 the following new item:

"Sec. 35. Modular contracting for information technology.".

# TITLE LIII—INFORMATION TECHNOLOGY ACQUISITION PILOT PROGRAMS

## Subtitle A—Conduct of Pilot Programs

### SEC. 5301. AUTHORITY TO CONDUCT PILOT PROGRAMS.

40 USC 1471.

(a) IN GENERAL.—

(1) PURPOSE.—The Administrator for Federal Procurement Policy (hereinafter referred to as the "Administrator"), in consultation with the Administrator for the Office of Information and Regulatory Affairs, may conduct pilot programs in order to test alternative approaches for acquisition of information technology by executive agencies.

(2) MULTIAGENCY, MULTI-ACTIVITY CONDUCT OF EACH PROGRAM.—Except as otherwise provided in this title, each pilot program conducted under this title shall be carried out in not more than two procuring activities in each of the executive agencies that are designated by the Administrator in accordance with this title to carry out the pilot program. The head of each designated executive agency shall, with the approval of the Administrator, select the procuring activities of the executive agency that are to participate in the test and shall designate a procurement testing official who shall be responsible for the conduct and evaluation of the pilot program within the executive agency.

(b) LIMITATIONS.—

(1) NUMBER.—Not more than two pilot programs may be conducted under the authority of this title, including one pilot program each pursuant to the requirements of sections 5311 and 5312.

(2) AMOUNT.—The total amount obligated for contracts entered into under the pilot programs conducted under the authority of this title may not exceed $750,000,000. The Administrator shall monitor such contracts and ensure that contracts are not entered into in violation of the limitation in the preceding sentence.

(c) PERIOD OF PROGRAMS.—

(1) IN GENERAL.—Subject to paragraph (2), any pilot program may be carried out under this title for the period, not in excess of five years, that is determined by the Administrator as being sufficient to establish reliable results.

(2) CONTINUING VALIDITY OF CONTRACTS.—A contract entered into under the pilot program before the expiration of that program shall remain in effect according to the terms of the contract after the expiration of the program.

### SEC. 5302. EVALUATION CRITERIA AND PLANS.

40 USC 1472.

(a) MEASURABLE TEST CRITERIA.—The head of each executive agency conducting a pilot program under section 5301 shall establish, to the maximum extent practicable, measurable criteria for evaluating the effects of the procedures or techniques to be tested under the program.

(b) TEST PLAN.—Before a pilot program may be conducted under section 5301, the Administrator shall submit to Congress a detailed test plan for the program, including a detailed description of the procedures to be used and a list of any regulations that are to be waived.

40 USC 1473.

**SEC. 5303. REPORT.**

(a) REQUIREMENT.—Not later than 180 days after the completion of a pilot program under this title, the Administrator shall—

(1) submit to the Director a report on the results and findings under the program; and

(2) provide a copy of the report to Congress.

(b) CONTENT.—The report shall include the following:

(1) A detailed description of the results of the program, as measured by the criteria established for the program.

(2) A discussion of any legislation that the Administrator recommends, or changes in regulations that the Administrator considers necessary, in order to improve overall information resources management within the Federal Government.

40 USC 1474.

**SEC. 5304. RECOMMENDED LEGISLATION.**

If the Director determines that the results and findings under a pilot program under this title indicate that legislation is necessary or desirable in order to improve the process for acquisition of information technology, the Director shall transmit the Director's recommendations for such legislation to Congress.

40 USC 1475.

**SEC. 5305. RULE OF CONSTRUCTION.**

Nothing in this title shall be construed as authorizing the appropriation or obligation of funds for the pilot programs authorized under this title.

## Subtitle B—Specific Pilot Programs

40 USC 1491.

**SEC. 5311. SHARE-IN-SAVINGS PILOT PROGRAM.**

(a) REQUIREMENT.—The Administrator may authorize the heads of two executive agencies to carry out a pilot program to test the feasibility of—

(1) contracting on a competitive basis with a private sector source to provide the Federal Government with an information technology solution for improving mission-related or administrative processes of the Federal Government; and

(2) paying the private sector source an amount equal to a portion of the savings derived by the Federal Government from any improvements in mission-related processes and administrative processes that result from implementation of the solution.

(b) LIMITATIONS.—The head of an executive agency authorized to carry out the pilot program may, under the pilot program, carry out one project and enter into not more than five contracts for the project.

(c) SELECTION OF PROJECTS.—The projects shall be selected by the Administrator, in consultation with the Administrator for the Office of Information and Regulatory Affairs.

40 USC 1492.

**SEC. 5312. SOLUTIONS-BASED CONTRACTING PILOT PROGRAM.**

(a) IN GENERAL.—The Administrator may authorize the heads of any of the executive agencies, in accordance with subsection (d)(2), to carry out a pilot program to test the feasibility of using solutions-based contracting for acquisition of information technology.

(b) SOLUTIONS-BASED CONTRACTING DESCRIBED.—For purposes of this section, solutions-based contracting is an acquisition method under which the acquisition objectives are defined by the Federal Government user of the technology to be acquired, a streamlined contractor selection process is used, and industry sources are allowed to provide solutions that attain the objectives effectively.

(c) PROCESS REQUIREMENTS.—The Administrator shall require use of a process with the following aspects for acquisitions under the pilot program:

(1) ACQUISITION PLAN EMPHASIZING DESIRED RESULT.—Preparation of an acquisition plan that defines the functional requirements of the intended users of the information technology to be acquired, identifies the operational improvements to be achieved, and defines the performance measurements to be applied in determining whether the information technology acquired satisfies the defined requirements and attains the identified results.

(2) RESULTS-ORIENTED STATEMENT OF WORK.—Use of a statement of work that is limited to an expression of the end results or performance capabilities desired under the acquisition plan.

(3) SMALL ACQUISITION ORGANIZATION.—Assembly of a small acquisition organization consisting of the following:

(A) An acquisition management team, the members of which are to be evaluated and rewarded under the pilot program for contributions toward attainment of the desired results identified in the acquisition plan.

(B) A small source selection team composed of representatives of the specific mission or administrative area to be supported by the information technology to be acquired, together with a contracting officer and persons with relevant expertise.

(4) USE OF SOURCE SELECTION FACTORS EMPHASIZING SOURCE QUALIFICATIONS AND COSTS.—Use of source selection factors that emphasize—

(A) the qualifications of the offeror, including such factors as personnel skills, previous experience in providing other private or public sector organizations with solutions for attaining objectives similar to the objectives of the acquisition, past contract performance, qualifications of the proposed program manager, and the proposed management plan; and

(B) the costs likely to be associated with the conceptual approach proposed by the offeror.

(5) OPEN COMMUNICATIONS WITH CONTRACTOR COMMUNITY.—Open availability of the following information to potential offerors:

(A) The agency mission to be served by the acquisition.

(B) The functional process to be performed by use of information technology.

(C) The process improvements to be attained.

(6) SIMPLE SOLICITATION.—Use of a simple solicitation that sets forth only the functional work description, the source selection factors to be used in accordance with paragraph (4), the required terms and conditions, instructions regarding submis-

sion of offers, and the estimate of the Federal Government's budget for the desired work.

(7) SIMPLE PROPOSALS.—Submission of oral presentations and written proposals that are limited in size and scope and contain information on—

(A) the offeror's qualifications to perform the desired work;

(B) past contract performance;

(C) the proposed conceptual approach; and

(D) the costs likely to be associated with the proposed conceptual approach.

(8) SIMPLE EVALUATION.—Use of a simplified evaluation process, to be completed within 45 days after receipt of proposals, which consists of the following:

(A) Identification of the most qualified offerors that are within the competitive range.

(B) Issuance of invitations for at least three and not more than five of the identified offerors to make oral presentations to, and engage in discussions with, the evaluating personnel regarding, for each offeror—

(i) the qualifications of the offeror, including how the qualifications of the offeror relate to the approach proposed to be taken by the offeror in the acquisition; and

(ii) the costs likely to be associated with the approach.

(C) Evaluation of the qualifications of the identified offerors and the costs likely to be associated with the offerors' proposals on the basis of submissions required under the process and any oral presentations made by, and any discussions with, the offerors.

(9) SELECTION OF MOST QUALIFIED OFFEROR.—A selection process consisting of the following:

(A) Identification of the most qualified source, and ranking of alternative sources, primarily on the basis of the oral proposals, presentations, and discussions, and written proposals submitted in accordance with paragraph (7).

(B) Conduct for 30 to 60 days of a program definition phase (funded, in the case of the source ultimately awarded the contract, by the Federal Government)—

(i) during which the selected source, in consultation with one or more intended users, develops a conceptual system design and technical approach, defines logical phases for the project, and estimates the total cost and the cost for each phase; and

(ii) after which a contract for performance of the work may be awarded to that source on the basis of cost, the responsiveness, reasonableness, and quality of the proposed performance, and a sharing of risk and benefits between the source and the Government.

(C) Conduct of as many successive program definition phases with alternative sources (in the order ranked) as is necessary in order to award a contract in accordance with subparagraph (B).

(10) SYSTEM IMPLEMENTATION PHASING.—System implementation to be executed in phases that are tailored to

the solution, with various contract arrangements being used, as appropriate, for various phases and activities.

(11) MUTUAL AUTHORITY TO TERMINATE.—Authority for the Federal Government or the contractor to terminate the contract without penalty at the end of any phase defined for the project.

(12) TIME MANAGEMENT DISCIPLINE.—Application of a standard for awarding a contract within 105 to 120 days after issuance of the solicitation.

(d) PILOT PROGRAM DESIGN.—

(1) JOINT PUBLIC-PRIVATE WORKING GROUP.—The Administrator, in consultation with the Administrator for the Office of Information and Regulatory Affairs, shall establish a joint working group of Federal Government personnel and representatives of the information technology industry to design a plan for conduct of any pilot program carried out under this section.

(2) CONTENT OF PLAN.—The plan shall provide for use of solutions-based contracting in the Department of Defense and not more than two other executive agencies for a total of—

(A) not more than 10 projects, each of which has an estimated cost of between $25,000,000 and $100,000,000; and

(B) not more than 10 projects, each of which has an estimated cost of between $1,000,000 and $5,000,000, to be set aside for small business concerns.

(3) COMPLEXITY OF PROJECTS.—(A) Subject to subparagraph (C), each acquisition project under the pilot program shall be sufficiently complex to provide for meaningful evaluation of the use of solutions-based contracting for acquisition of information technology for executive agencies.

(B) In order for an acquisition project to satisfy the requirement in subparagraph (A), the solution for attainment of the executive agency's objectives under the project should not be obvious, but rather shall involve a need for some innovative development and systems integration.

(C) An acquisition project should not be so extensive or lengthy as to result in undue delay in the evaluation of the use of solutions-based contracting.

(e) MONITORING BY GAO.—The Comptroller General of the United States shall—

(1) monitor the conduct, and review the results, of acquisitions under the pilot program; and

(2) submit to Congress periodic reports containing the views of the Comptroller General on the activities, results, and findings under the pilot program. Reports.

# TITLE LIV—ADDITIONAL INFORMATION RESOURCES MANAGEMENT MATTERS

## SEC. 5401. ON-LINE MULTIPLE AWARD SCHEDULE CONTRACTING.

40 USC 1501.

(a) AUTOMATION OF MULTIPLE AWARD SCHEDULE CONTRACTING.—In order to provide for the economic and efficient procurement of information technology and other commercial items, the Administrator of General Services shall provide through the Federal Acquisition Computer Network (in this section referred to as "FACNET"), not later than January 1, 1998, Government-wide on-line computer access to information on products and services that are available for ordering under the multiple award schedules. If the Administrator determines it is not practicable to provide such access through FACNET, the Administrator shall provide such access through another automated system that has the capability to perform the functions listed in subsection (b)(1) and meets the requirement of subsection (b)(2).

(b) ADDITIONAL FACNET FUNCTIONS.—(1) In addition to the functions specified in section 30(b) of the Office of Federal Procurement Policy Act (41 U.S.C. 426(b)), the FACNET architecture shall have the capability to perform the following functions:

(A) Provide basic information on prices, features, and performance of all products and services available for ordering through the multiple award schedules.

(B) Provide for updating that information to reflect changes in prices, features, and performance as soon as information on the changes becomes available.

(C) Enable users to make on-line computer comparisons of the prices, features, and performance of similar products and services offered by various vendors.

(2) The FACNET architecture shall be used to place orders under the multiple award schedules in a fiscal year for an amount equal to at least 60 percent of the total amount spent for all orders under the multiple award schedules in that fiscal year.

(c) STREAMLINED PROCEDURES.—

(1) PILOT PROGRAM.—Upon certification by the Administrator of General Services that the FACNET architecture meets the requirements of subsection (b)(1) and was used as required by subsection (b)(2) in the fiscal year preceding the fiscal year in which the certification is made, the Administrator for Federal Procurement Policy may establish a pilot program to test streamlined procedures for the procurement of information technology products and services available for ordering through the multiple award schedules.

(2) APPLICABILITY TO MULTIPLE AWARD SCHEDULE CONTRACTS.—Except as provided in paragraph (4), the pilot program shall be applicable to all multiple award schedule contracts for the purchase of information technology and shall test the following procedures:

(A) A procedure under which negotiation of the terms and conditions for a covered multiple award schedule contract is limited to terms and conditions other than price.

(B) A procedure under which the vendor establishes the prices under a covered multiple award schedule contract and may adjust those prices at any time in the discretion of the vendor.

(C) A procedure under which a covered multiple award schedule contract is awarded to any responsible offeror that—

(i) has a suitable record of past performance, which may include past performance on multiple award schedule contracts;

(ii) agrees to terms and conditions that the Administrator determines as being required by law or as being appropriate for the purchase of commercial items; and

(iii) agrees to establish and update prices, features, and performance and to accept orders electronically through the automated system established pursuant to subsection (a).

(3) COMPTROLLER GENERAL REVIEW AND REPORT.—(A) Not later than three years after the date on which the pilot program is established, the Comptroller General of the United States shall review the pilot program and report to the Congress on the results of the pilot program.

(B) The report shall include the following:

(i) An evaluation of the extent to which there is competition for the orders placed under the pilot program.

(ii) The effect that the streamlined procedures under the pilot program have on prices charged under multiple award schedule contracts.

(iii) The effect that such procedures have on paperwork requirements for multiple award schedule contracts and orders.

(iv) The impact of the pilot program on small businesses and socially and economically disadvantaged small businesses.

(4) WITHDRAWAL OF SCHEDULE OR PORTION OF SCHEDULE FROM PILOT PROGRAM.—The Administrator may withdraw a multiple award schedule or portion of a schedule from the pilot program if the Administrator determines that (A) price competition is not available under such schedule or portion thereof, or (B) the cost to the Government for that schedule or portion thereof for the previous year was higher than it would have been if the contracts for such schedule or portion thereof had been awarded using procedures that would apply if the pilot program were not in effect. The Administrator shall notify Congress at least 30 days before the date on which the Administrator withdraws a schedule or portion thereof under this paragraph. The authority under this paragraph may not be delegated.

Notification.

(5) TERMINATION OF PILOT PROGRAM.—Unless reauthorized by law, the authority of the Administrator to award contracts under the pilot program shall expire four years after the date on which the pilot program is established. Contracts entered into before the authority expires shall remain in effect in accordance with their terms notwithstanding the expiration of the authority to award new contracts under the pilot program.

(d) DEFINITION.—In this section, the term "FACNET" means the Federal Acquisition Computer Network established under section 30 of the Office of Federal Procurement Policy Act (41 U.S.C. 426).

## SEC. 5402. IDENTIFICATION OF EXCESS AND SURPLUS COMPUTER EQUIPMENT.

40 USC 1502.

Not later than six months after the date of the enactment of this Act, the head of an executive agency shall inventory all computer equipment under the control of that official. After completion of the inventory, the head of the executive agency shall maintain, in accordance with title II of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481 et seq.), an inventory of any such equipment that is excess or surplus property.

40 USC 1503.

### SEC. 5403. ACCESS OF CERTAIN INFORMATION IN INFORMATION SYSTEMS TO THE DIRECTORY ESTABLISHED UNDER SECTION 4101 OF TITLE 44, UNITED STATES CODE.

Notwithstanding any other provision of this division, if in designing an information technology system pursuant to this division, the head of an executive agency determines that a purpose of the system is to disseminate information to the public, then the head of such executive agency shall reasonably ensure that an index of information disseminated by such system is included in the directory created pursuant to section 4101 of title 44, United States Code. Nothing in this section authorizes the dissemination of information to the public unless otherwise authorized.

# TITLE LV—PROCUREMENT PROTEST AUTHORITY OF THE COMPTROLLER GENERAL

### SEC. 5501. PERIOD FOR PROCESSING PROTESTS.

Title 31, United States Code, is amended as follows:

(1) Section 3553(b)(2)(A) is amended by striking out "35" and inserting in lieu thereof "30".

(2) Section 3554 is amended—

(A) in subsection (a)(1), by striking out "125" and inserting in lieu thereof "100"; and

(B) in subsection (e)—

(i) in paragraph (1), by striking out "Government Operations" and inserting in lieu thereof "Government Reform and Oversight"; and

(ii) in paragraph (2), by striking out "125" and inserting in lieu thereof "100".

### SEC. 5502. AVAILABILITY OF FUNDS FOLLOWING GAO RESOLUTION OF CHALLENGE TO CONTRACTING ACTION.

(a) IN GENERAL.—Section 1558 of title 31, United States Code, is amended—

(1) in the first sentence of subsection (a)—

(A) by inserting "or other action referred to in subsection (b)" after "protest" the first place it appears;

(B) by striking out "90 working days" and inserting in lieu thereof "100 days"; and

(C) by inserting "or other action" after "protest" the second place it appears; and

(2) by striking out subsection (b) and inserting in lieu thereof the following:

"(b) Subsection (a) applies with respect to—

"(1) any protest filed under subchapter V of chapter 35 of this title; or

"(2) an action commenced under administrative procedures or for a judicial remedy if—

"(A) the action involves a challenge to—

"(i) a solicitation for a contract;

"(ii) a proposed award of a contract;

"(iii) an award of a contract; or

"(iv) the eligibility of an offeror or potential offeror for a contract or of the contractor awarded the contract; and

"(B) commencement of the action delays or prevents an executive agency from making an award of a contract or proceeding with a procurement.".

(b) CONFORMING AMENDMENT.—The heading of such section is amended to read as follows:

**"§ 1558. Availability of funds following resolution of a formal protest or other challenge".**

(c) CLERICAL AMENDMENT.—The item relating to such section in the table of sections at the beginning of chapter 15 of title 31, United States Code, is amended to read as follows:

"1558. Availability of funds following resolution of a formal protest or other challenge.".

# TITLE LVI—CONFORMING AND CLERICAL AMENDMENTS

## SEC. 5601. AMENDMENTS TO TITLE 10, UNITED STATES CODE.

(a) PROTEST FILE.—Section 2305(e) is amended by striking out paragraph (3).

(b) MULTIYEAR CONTRACTS.—Section 2306b of such title is amended—

(1) by striking out subsection (k); and

(2) by redesignating subsection (l) as subsection (k).

(c) LAW INAPPLICABLE TO PROCUREMENT OF INFORMATION TECHNOLOGY.—Section 2315 of title 10, United States Code, is amended by striking out "Section 111" and all that follows through "use of equipment or services if," and inserting in lieu thereof the following: "For the purposes of the Information Technology Management Reform Act of 1996, the term 'national security systems' means those telecommunications and information systems operated by the Department of Defense, the functions, operation or use of which".

## SEC. 5602. AMENDMENTS TO TITLE 28, UNITED STATES CODE.

(a) REFERENCES TO BROOKS AUTOMATIC DATA PROCESSING ACT.—Section 612 of title 28, United States Code, is amended—

(1) in subsection (f), by striking out "section 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759)" and inserting in lieu thereof "the provisions of law, policies, and regulations applicable to executive agencies under the Information Technology Management Reform Act of 1996";

(2) in subsection (g), by striking out "sections 111 and 201 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481 and 759)" and inserting in lieu thereof "section 201 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481)";

(3) by striking out subsection (l); and

(4) by redesignating subsection (m) as subsection (l).

(b) REFERENCES TO AUTOMATIC DATA PROCESSING.—Section 612 of title 28, United States Code, is further amended—

(1) in the heading, by striking out the second word and inserting in lieu thereof "**Information Technology**";

(2) in subsection (a), by striking out "Judiciary Automation Fund" and inserting in lieu thereof "Judiciary Information Technology Fund"; and

(3) by striking out "automatic data processing" and inserting in lieu thereof "information technology" each place it appears in subsections (a), (b), (c)(2), (e), (f), and (h)(1).

### SEC. 5603. AMENDMENT TO TITLE 31, UNITED STATES CODE.

Section 3552 of title 31, United States Code, is amended by striking out the second sentence.

### SEC. 5604. AMENDMENTS TO TITLE 38, UNITED STATES CODE.

Section 310 of title 38, United States Code, is amended to read as follows:

### "§ 310. Chief Information Officer

"(a) The Chief Information Officer for the Department is designated pursuant to section 3506(a)(2) of title 44.

"(b) The Chief Information Officer performs the duties provided for chief information officers of executive agencies under chapter 35 of title 44 and the Information Technology Management Reform Act of 1996.".

### SEC. 5605. PROVISIONS OF TITLE 44, UNITED STATES CODE, RELATING TO PAPERWORK REDUCTION.

(a) DEFINITION.—Section 3502 of title 44, United States Code, is amended by striking out paragraph (9) and inserting in lieu thereof the following:

"(9) the term 'information technology' has the meaning given that term in section 5002 of the Information Technology Management Reform Act of 1996 but does not include national security systems as defined in section 5142 of that Act;".

(b) DEVELOPMENT OF STANDARDS AND GUIDELINES BY NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—Section 3504(h)(1)(B) of such title is amended by striking out "section 111(d) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759(d))" and inserting in lieu thereof "section 5131 of the Information Technology Management Reform Act of 1996".

(c) COMPLIANCE WITH DIRECTIVES.—Section 3504(h)(2) of such title is amended by striking out "sections 110 and 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 757 and 759)" and inserting in lieu thereof "the Information Technology Management Reform Act of 1996 and directives issued under section 110 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 757)".

(d) COLLECTION OF INFORMATION.—Section 3507(j)(2) of such title is amended by striking out "90 days" in the second sentence and inserting in lieu thereof "180 days".

### SEC. 5606. AMENDMENT TO TITLE 49, UNITED STATES CODE.

Section 40112(a) of title 49, United States Code, is amended by striking out "or a contract to purchase property to which section 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759) applies".

### SEC. 5607. OTHER LAWS.

(a) NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY ACT.—Section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3) is amended—

(1) in subsection (a)—

(A) by striking out "section 3502(2) of title 44" each place it appears in paragraphs (2) and (3)(A) and inserting in lieu thereof "section 3502(9) of title 44"; and

(B) in paragraph (4), by striking out "section 111(d) of the Federal Property and Administrative Services Act of 1949" and inserting in lieu thereof "section 5131 of the Information Technology Management Reform Act of 1996";

(2) in subsection (b)—

(A) by striking out paragraph (2);

(B) in paragraph (3), by striking out "section 111(d) of the Federal Property and Administrative Services Act of 1949" and inserting in lieu thereof "section 5131 of the Information Technology Management Reform Act of 1996"; and

(C) by redesignating paragraphs (3), (4), (5), and (6) as paragraphs (2), (3), (4), and (5); and

(3) in subsection (d)—

(A) in paragraph (1)(B)(v), by striking out "as defined" and all that follows and inserting in lieu thereof a semicolon; and

(B) in paragraph (2)—

(i) by striking out "system'—" and all that follows through "means" in subparagraph (A) and inserting in lieu thereof "system' means"; and

(ii) by striking out "; and" at the end of subparagraph (A) and all that follows through the end of subparagraph (B) and inserting in lieu thereof a semicolon.

(b) COMPUTER SECURITY ACT OF 1987.—

(1) PURPOSES.—Section 2(b)(2) of the Computer Security Act of 1987 (Public Law 100–235; 101 Stat. 1724) is amended by striking out "by amending section 111(d) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759(d))". 40 USC 759 note.

(2) SECURITY PLAN.—Section 6(b) of such Act (101 Stat. 1729; 40 U.S.C. 759 note) is amended—

(A) by striking out "Within one year after the date of enactment of this Act, each such agency shall, consistent with the standards, guidelines, policies, and regulations prescribed pursuant to section 111(d) of the Federal Property and Administrative Services Act of 1949," and inserting in lieu thereof "Each such agency shall, consistent with the standards, guidelines, policies, and regulations prescribed pursuant to section 5131 of the Information Technology Management Reform Act of 1996,"; and

(B) by striking out "Copies" and all that follows through "Code.".

(c) FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949.—Section 303B(h) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253b(h)) is amended by striking out paragraph (3).

(d) OFFICE OF FEDERAL PROCUREMENT POLICY ACT.—Section 6(h)(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 405(h)(1)) is amended by striking out "of automatic data processing and telecommunications equipment and services or".

(e) NATIONAL ENERGY CONSERVATION POLICY ACT.—Section 801(b)(3) of the National Energy Conservation Policy Act (42 U.S.C. 8287(b)(3)) is amended by striking out the second sentence.

(f) CENTRAL INTELLIGENCE AGENCY ACT OF 1949.—Section 3 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403c) is amended by striking out subsection (e).

### SEC. 5608. CLERICAL AMENDMENTS.

(a) FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949.—The table of contents in section 1(b) of the Federal Property and Administrative Services Act of 1949 is amended by striking out the item relating to section 111.

(b) TITLE 38, UNITED STATES CODE.—The table of sections at the beginning of chapter 3 of title 38, United States Code, is amended by striking out the item relating to section 310 and inserting in lieu thereof the following:

"310. Chief Information Officer.".

40 USC 1401 note.

## TITLE LVII—EFFECTIVE DATE, SAVINGS PROVISIONS, AND RULES OF CONSTRUCTION

### SEC. 5701. EFFECTIVE DATE.

This division and the amendments made by this division shall take effect 180 days after the date of the enactment of this Act.

### SEC. 5702. SAVINGS PROVISIONS.

(a) REGULATIONS, INSTRUMENTS, RIGHTS, AND PRIVILEGES.—All rules, regulations, contracts, orders, determinations, permits, certificates, licenses, grants, and privileges—

(1) which have been issued, made, granted, or allowed to become effective by the Administrator of General Services or the General Services Board of Contract Appeals, or by a court of competent jurisdiction, in connection with an acquisition activity carried out under section 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759), and

(2) which are in effect on the effective date of this division,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the Director or any other authorized official, by a court of competent jurisdiction, or by operation of law.

(b) PROCEEDINGS.—

(1) PROCEEDINGS GENERALLY.—This division and the amendments made by this division shall not affect any proceeding, including any proceeding involving a claim, application, or protest in connection with an acquisition activity carried out under section 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759) that is pending before the Administrator of General Services or the General Services Board of Contract Appeals on the effective date of this division.

(2) Orders.—Orders may be issued in any such proceeding, appeals may be taken therefrom, and payments may be made pursuant to such orders, as if this division had not been enacted. An order issued in any such proceeding shall continue in effect until modified, terminated, superseded, or revoked in accordance with law by the Director or any other authorized official, by a court of competent jurisdiction, or by operation of law.

(3) Discontinuance or modification of proceedings not prohibited.—Nothing in this subsection prohibits the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this Act had not been enacted.

(4) Other authority and prohibition.—Section 1558(a) of title 31, United States Code, and the second sentence of section 3552 of such title shall continue to apply with respect to a protest process in accordance with this subsection.

(5) Regulations for transfer of proceedings.—The Director may prescribe regulations providing for the orderly transfer of proceedings continued under paragraph (1).

(c) Standards and Guidelines for Federal Computer Systems.—Standards and guidelines that are in effect for Federal computer systems under section 111(d) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759(d)) on the day before the effective date of this division shall remain in effect until modified, terminated, superseded, revoked, or disapproved under the authority of section 5131 of this Act.

### SEC. 5703. RULES OF CONSTRUCTION.

(a) Relationship to Title 44, United States Code.—Nothing in this division shall be construed to amend, modify, or supersede any provision of title 44, United States Code, other than chapter 35 of such title.

(b) Relationship to Computer Security Act of 1987.—Nothing in this division shall affect the limitations on authority that is provided for in the administration of the Computer Security Act of 1987 (Public Law 100–235) and the amendments made by such Act.

Approved February 10, 1996.

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LEGISLATIVE HISTORY—S. 1124 (H.R. 1530) (S. 1026):

HOUSE REPORTS: Nos. 104–131 (Comm. on National Security) and 104–406 (Comm. of Conference), both accompanying H.R. 1530, and 104–450 (Comm. of Conference).

SENATE REPORTS: No. 104–112 accompanying S. 1026 (Comm. on Armed Services).

CONGRESSIONAL RECORD:
Vol. 141 (1995): Sept. 6, considered and passed Senate.
Vol. 142 (1996): Jan. 5, considered and passed House, amended, in lieu of H.R. 1530.
Jan. 24, House agreed to conference report.
Jan. 26, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):
Feb. 10, Presidential statement.

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